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THE CHALLENGES OF NORMALIZING RELATIONS BETWEEN BELGRADE AND PRISTINA: IMPLICATIONS OF THE "AGREEMENT ON THE PATH TO NORMALIZATION"

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Abstract: *The article analyzes the process of normalizing relations between Belgrade and Pristina after adopting the Agreement on the Path to Normalization. The analytical framework of neorealism was used to explain that the normalization process was accelerated due to the war crisis in Eastern Europe. The international legal aspects of the agreement were scrutinized, based on the method of content analysis and comparative studies, to argue that the agreement is a legally binding treaty between two sides that respect each other's international legal personality. The authors concluded that the European Union and the United States attempted to create new momentum in the decade-long and rather unsuccessful process by adopting the Agreement and the Annex on implementation. Thus, these documents were put in the context of relations between Belgrade and Pristina and broader European and regional levels of complex relations. In addition, the analysis concluded that the documents serve as new impulses in normalization as a continuous legal formalization of relations between the two sides based on international legal rules.*

Keywords: *Normalization; Serbia; Kosovo¹; European Union; Agreement; Western Balkans; International Law*

INTRODUCTION

The intensification of the dialogue between Belgrade and Pristina after the war in Ukraine started in February 2022 was caused by the substantial efforts of the European Union (EU) and the United States (US) to achieve a breakthrough in an over a decade-long process. In this phase, both the EU and the US opted for a realistic solution, which would exclude, for the time being, the all-encompassing legally binding agreement (the idea dating back to 2012) (Đukanović 2018, 113-146). Therefore, a provisional solution was attempted, based on the agreement between the German Democratic Republic and the Federal Republic of Germany that would not include recognition but would nevertheless imply, due to the facts on the ground, the necessity of advancement of complex relations (DW 2017). Additionally, the EU and the US focused on the war in Ukraine as they factored in the analysis of the necessity of preventing further conflicts in the Balkans. This involved strengthening regional stability and eliminating any possible incidents between Belgrade and Pristina.

¹ The expression "Kosovo" is cited as in the "Agreement on the Path to Normalization" and its Annex on implementation and does not prejudice the attitudes of the authors towards its status. In addition, the same expression is used in the Negotiation Framework between Serbia and the EU (2014) and the Resolution 1244 of the United Nations Security Council (1999).

This article, therefore, uses the analytical framework of neorealism (Queen and Gibson 2017, 34–48) to explore the contents of the “Agreement on the Path to Normalization” (APN). The neorealist framework in this context supposes that the strained relations between the US and Russia impact the situation in the Balkans and, therefore, every aspect of the normalization process (Ross Smith 2020, 9–24). A complex diplomatic initiative, coordinated by the EU and the US over several months, starting from August 2022, manifested in significant pressure on the authorities in Belgrade and Pristina and resulted in the creation of the “Franco-German” document, promptly supported by the US. Although the addressees had the opportunity to provide some comments to the draft document, it was a non-negotiable document. The visit of the “Five” (representatives of the EU, the US, Germany, France, and Italy) to Pristina and Belgrade on the 20 January 2023 was a turning point, followed by the summit meeting between Belgrade and Pristina in Brussels on 27 February. In this meeting, both sides orally accepted the APN (EEAS 2023a). Over the next few weeks, the negotiations on the modalities of implementation ensued, followed by the oral confirmation of the “Annex on implementation” (AI) on 18 March 2023 in Ohrid (EEAS 2023b). Although not formally on par with the EU as the mediator in the process, the US has since 2019 regarded the normalization process as an issue of direct interest to its foreign policy. Therefore, its role has been strengthened through a more substantial influence on the authorities in Belgrade and Pristina, as well as by the directions it gives to the EU concerning certain activities that would accelerate the adoption of the all-encompassing legally binding agreement (Carney 2020).

The existing literature concentrates on previous agreements in the normalization process (Ernst 2014), the general state of the dialogue (Đurić 2017; Stanicek 2021; Rrahmani, Bushi, and Gashi 2023), the role of the EU (Ćuković 2019; Bashota and Hoti 2021; Atakara 2022; Ginali 2023) and the US (Conley and Saric 2021) as mediators, contradictory foreign policy choices of Serbia regarding the status of Kosovo (Ejdus 2019); implications for regional security (Nemec and Stojarova 2023), and the international legal and constitutional consequences of the process (Dimitrijević, Lađevac and Vučić 2012; Mirović 2013; Đurić 2014; Simović and Jugović 2015; Đerić and Papić 2016; Vučić 2020; Milanović 2023).

This article purports to analyze several layers of issues created by the adoption of the APN and AI. The first issue discussed is the status of Kosovo as an entity in international relations. The second issue is Serbia’s implicit recognition of Kosovo’s independence. The third issue is the EU’s capacity to act as a facilitator and a guarantor of the implementation. Fourthly, the implications for the political and security situation in the Balkans are considered. Fifthly, the status of Serbs living in Kosovo might be enhanced under the agreements. Finally, the binding nature of the agreements is analyzed. This encompassing political and legal analysis sheds light on the continuity of the process and the acts of implementation by the parties themselves, thus providing new insights into the process’s dynamics.

Apart from the neorealist approach already mentioned, the article rests upon methods of content analysis and comparative approach when interpreting the agreements adopted in the process, as well as the deduction from general principles and rules of treaty interpretation on the particular case study of the APN and the AI.

KOSOVO'S INTERNATIONAL LEGAL PERSONALITY

The first four articles of the APN are relevant to Kosovo's future status and international legal personality. The parties agree in Article 1 to develop normal, good-neighborly relations based on equal rights in connection with the previously signed "technical" agreements on the mutual recognition of passports, diplomas, registration plates, and customs stamps (EEAS 2023a). It can be argued that Article 1 gives an overview of so far adopted agreements and claims them as the result of the parties' will to establish normal good-neighborly relations, fully equal in their rights and obligations. There is no difference in the APN between Serbia and Kosovo, as if their relationship was not between a state and a part of its territory under provisional international administration.

Article 2 of the APN confirms in a way provisions already described in Article 1, with the effect of entirely nullifying the diplomatic position of the Republic of Serbia that claimed that all steps that lead to the complete independence of Kosovo can be tolerated, as long as Kosovo remains outside the UN membership. Article 2 provides that the parties will be guided in their mutual relations by the aims and principles of the UN Charter and especially by sovereign equality of states, respect for independence, autonomy, and territorial integrity, right to self-determination, protection of human rights, and non-discrimination (EEAS 2023a). The consequence of this article is that Serbia and Kosovo are obliged to behave towards each other under the rules applicable to sovereign states since the UN membership is reserved for sovereign states and not for dependent provinces. In addition, if one doubts the validity of such an interpretation, the word "especially" is intentionally inserted to accentuate that such a relationship includes mutual respect for sovereignty, territorial integrity, and the right to self-determination.

Article 3 of the APN follows the previous one and confirms the undisputable principle among the UN members that all disputes between the parties should be settled only by peaceful means, excluding the threat or use of force (EEAS 2023a). Recent activities by the Belgrade authorities at the end of 2022 and in the second half of May 2023 concentrated on raising combat preparedness, which can be treated as the threat of using force in breach of the APN.

Article 4 is the one that will probably cause the most substantial changes in Serbian foreign policy shortly. The parties recognize that none can represent the other in international relations or act on its behalf. The second point only emphasizes the concrete aim of this provision – "Serbia will not object to Kosovo's membership in any international organization" (EEAS 2023a). Kosovo never wished to represent Serbia in any international organization. Still, Serbia rightfully wanted to retain its right to represent this part of its territory in its relations with other states and international organizations of which it is a member. From now on, Serbia renounces its right to represent this part of its territory, which means Kosovo will represent itself or through another party of its choice (UNMIK, which is less probable, or another state).

In this manner, Serbia agrees to discontinue maybe the only aspect of its foreign policy fight against the secession of Kosovo that has given results - diplomatic efforts to persuade countries that have recognized Kosovo to cancel such decisions. In addition, Serbia renounces its right to prevent Kosovo's membership in international organizations whose members are

states only and where Serbia has already acquired the right to represent the whole of its territory. The past campaigns of lobbying with the members of UNESCO or INTERPOL by Serbian diplomacy to stop Kosovo from gaining access to these organizations shall now stop.

KOSOVO ON THE PATH TO RECOGNITION

Diplomatic efforts of this kind can be characterized as active efforts to regain control over the territory (Vučić 2020, 274). However, now we have a situation where Serbia, under Article 4, implicitly accepts Kosovo's right to represent itself and thus apply for membership in all international organizations. The International Court of Justice (ICJ) has indicated that: "Under certain circumstances, sovereignty over territory can be ceded based on the failure on the part of the titular sovereign to respond to the acts *à titre de souverain* of another state (...) the lack of reaction can represent an implied acceptance of the titular sovereign state" (ICJ 2008, 12).

Since the mediators in the negotiations between Belgrade and Pristina are primarily states that have recognized Kosovo's independence and treat it as a sovereign state, it can be concluded, based on the ICJ's cited argument, that by agreeing to such a provision, Serbia opened the door to the interpretation that its future abstention from prevention of Kosovo's membership in international organizations can be implicit recognition of its independence. We believe this is precisely the idea behind the efforts of the mediators since this scenario would sideline the issue of their illegal involvement in the secession process (armed intervention in the internal armed conflict contrary to the UN Charter, see Vučić 2020). After all, a waiver of territorial sovereignty is a legal mode of sovereignty cession (Mirović 2013). Therefore, it would be best if Serbia waived its sovereignty and ceded it to Pristina.

On the other hand, it can be argued that Serbia managed to insert in the APM preamble a formulation that somewhat disputes such interpretation: "Proceeding from the historical facts and without prejudice to the different views of the Parties on fundamental questions, including on status questions..." (EEAS 2023a). The "without prejudice to the status questions" formulation can be interpreted as a safety net against any interpretations claiming that Serbia renounced its sovereign prerogatives over Kosovo and recognized its independence. It seems that the whole foreign policy of Serbia at the moment, at least in the part presented to domestic audiences, is contained in such an argument. It can be summed up approximately as "any paper signed, any act made, cannot be interpreted as recognition so long as the highest state officials do not expressly state that Kosovo is independent" (OKM 2022). However, this is not supported by international law. The interpretation of the will of parties to a treaty is not a one-sided issue; on the contrary, the Vienna Convention on the Law of Treaties provides for several methods of interpretation of a treaty text, and for our discussion, the most relevant is the one that takes into consideration "any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions; and any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation" (VCT 31(3)(a,b)).

Let us remind ourselves that the Constitutional Court of Serbia declared that the First Agreement of 2013 is not eligible for constitutional revision "since it fails to fulfill conditions to be regarded as an international treaty, and in itself does not represent a general act of internal

law" (CCS 2014). Although we disagree with the Constitutional Court, what is more, we argue that it was this body's wish to evade any discussion of the possible recognition of Kosovo by Serbia and the potential breach of the Constitution (see also Đurić 2014, 167; Simović and Jugović 2015; Čavoski 2014), ten years later there exists an established practice of conclusion of ever more advanced agreements on mutual relations between the parties that taken together represents a legal framework for the "all-encompassing normalization of relations", as formulated by the Chapter 35 of the Negotiation Framework between Serbia and the EU (MEI 2015).

It should be pointed out here that the Vienna Convention on the Law of Treaties gives a possibility, based on the 31(3)(b) paragraph, for the subsequent practice in implementing a treaty to influence the meaning of its provisions. It remains to be seen how Serbia will approach the implementation of the APN. However, the decade-long experience has taught us that the Republic of Serbia implements all the provisions agreed upon with Pristina.

Two more provisions of the APN are worth mentioning in this context. The first concerns the obligation to mutually respect national symbols related to flags, coats of arms, and anthems of Kosovo and Serbia (EEAS 2023a, Article 1). The Second is concerned with diplomatic missions. Former liaison officers, exchanged at the start of the dialogue in 2012, are to be substituted under the APN with permanent missions, another identical provision from the "two Germanies" agreement (EEAS 2023a, Article 8). In the German case, permanent missions were established with the governments, namely the Ministries of Education. The concrete provisions on their establishment, opening, and jurisdiction shall be separately agreed upon (Article 8). It remains to be seen what the final solution will be; however, it should be pointed out that the Vienna Convention on diplomatic relations is very flexible in this regard, providing that all official business of the mission should be conducted with the Ministry of Foreign Affairs of the recipient country, "or such other ministry as may be agreed" (VCDR Article 41(2)).

THE EU AS A FACILITATOR AND GUARANTOR OF IMPLEMENTATION

The broader European context (EU and Council of Europe) is another layer through which the APN can be observed. In the Preamble of the APN is provided that it contributes to the broader "European security", and the EU acts as the facilitator of the dialogue between Belgrade and Pristina, although its results so far have been meager in this regard (EEAS 2023a, Preamble). These general formulations resurface multiple times in the plethora of documents, including from the EU-Western Balkans summits and the Berlin process. Article 5 of the APN binds both parties so they do not block each other in the context of future EU membership, similar to the provision of the "First Agreement on the Normalization of Relations" (2013, Article 14).

This predominant role of the EU is supposed to be confirmed through the Joint Committee, which will have a key role in monitoring implementation (EEAS 2023a, Article 10). It might be concluded that the EU attempts to continue to play an essential role in the process and will try to realize it by utilizing the financial and integration conditionality policies of both Serbia and Kosovo. How these tools motivate both parties is questionable since, although interested in economic incentives, they visibly lag in the integration process. Therefore, Article 9 provides for the donation conference (to be organized by the EU five months after the APN's

adoption) and the utilization of financial resources for infrastructural connectivity, economic development, and green transition (EEAS 2023, Article 9). Article 5 of the APN includes the provision that both parties will respect the EU values referred to in the Treaty on EU. A special mention is given to the EU Common Foreign and Security Policy, which might imply, given that Serbian foreign policy has a low percentage of alignment with the EU's, the adoption of restrictive measures against the Russian Federation, successively implemented since 2014, and especially after February 2022 (The Treaty of the EU, Article 21).

Strict schedules are provided for forming the future Joint Committee and organizing the EU donor conference to secure the funds for the ambitious projects, 30 and 150 days, respectively. The Committee was formed on 18 April 2023 (EEAS 2023d). However, it was pointed out that the financial and investment support package will not be realized until the EU establishes that the parties have fulfilled their obligations under the APN and AI. This is a blatant example of the EU's conditionality policy in the Western Balkans. In addition, at the end of the AI, the parties recognize "that any failure to honor their obligations from the Agreement, this Annex, or the past Dialogue Agreements may have direct negative consequences for their respective EU accession processes and the financial aid they receive from the EU" (EEAS 2023b, point 12). This is an additional obligation for the parties, but it should be borne in mind that their future relations with the US will depend on the success of the implementation of the agreement. In this regard, the US's role proved indispensable for accelerating the normalization process and adopting the agreements.

It is worth pointing out that the parties recognized in the AI that "all Articles will be implemented independently of each other" and that "Kosovo and Serbia agree not to block implementation of any of the Articles" (EEAS 2023b, points 2 and 8). The implementation of previous agreements from Dayton to the Ohrid and Prespa in the post-Yugoslav space indicated that it is vital to define implementation as strictly as possible since the political elites and its mentors often tried to evade the previously agreed obligations. The EU had in mind, according to some sources, an even more detailed implementation time framework. However, the parties disagreed on this in Ohrid for specific reasons.

A rather ambitious plan for the five-month implementation of the agreements is tied to the elections (Presidential in the US, Parliamentary in the EU) over the period 2024/2025 that might result in the change of focus of new administrations from the Western Balkans and its crucial issue of Belgrade-Pristina relations. Namely, all former attempts at a solution, starting from the "Ischinger's plan" on "two Germanies" (2007) over the Ahtissari's "Comprehensive Proposal for the Kosovo Status Settlement" (2007) to the current normalization process (started in March 2011), failed to contribute to the stabilization of the regional situation (Đukanović 2018, 113–146).

POLITICAL AND SECURITY CONTEXT IN THE BALKANS

This context is referenced in some manner in the Preamble, accentuating "the contribution to the fruitful regional cooperation" (EEAS 2023a, Preamble). The regional perspective is indeed of the essence since the context of the APN adoption is tied to the broader European instability caused by the war in Ukraine and the need of the US in the first

place to put the Western Balkans firmly inside its sphere of influence in the wider trans-Atlantic space (RTV 2023). The regional cooperation presently achieved through the Berlin process and the Regional Cooperation Council is an essential precondition for stabilizing the situation in this part of Europe, as seen by the creators of the APN. Thus, the EU and the US insist on security issues, digitalization, connectivity, and creating a regional common market (Chair's Conclusions 2022). In addition, the revitalization of the Berlin process at the end of 2022 puts on the regional agenda numerous new issues that must be realized to accelerate the region's integration process. The Berlin Process is an inclusive initiative powered by a common regional market. Therefore, the future connection between a common regional market and the EU's single market is a first step that will lead to other forms of connectivity between the Western Balkans and the EU (Đukanović 2022).

Thus, the activities of these forums are essential, as well as the potential entry of Kosovo in the "Mini Schengen", promised by the authorities in Pristina already in September 2020 in the Washington agreement. (Economic Normalization 2020, point 5) The current government in Pristina is vehemently opposed to the Open Balkan initiative. This is part of a more comprehensive picture of bilateral problems between the Western Balkan and South-Eastern European countries.

As an urgent provision concerned with regional stability and security, parties must adopt the Declaration on Missing Persons, a subject of several dialogue rounds over the past years. During negotiations on this Declaration, certain linguistic misunderstandings between the parties became visible (KOSSEV). The DMP was nevertheless adopted on 2 May 2023 in Brussels by the Serbian President and Kosovo's Prime minister (EEAS 2023c). The DMP provides that the expression "missing persons" includes the persons who were forcibly disappeared following the understanding of the International Committee of the Red Cross (RFE). The Declaration offers such an understanding since the obligation to provide information on missing persons is a part of customary international law (ICRC(a)), where the state detaining the prisoners of war or civilians of the opposing side is obliged to collect the information on them and relate it to the opposing side, or if those persons are killed to provide the information on their places of burial (EEAS 2023c). The difference between the two terms is in the fact that missing persons' human rights are not necessarily infringed on – these can be legally captured combatants (prisoners of war), whose location is presently unknown, or legally killed combatants or civilians whose burial places are unknown (ICC, 7(1); ICTY, Kupreskić et al. 2437; ICRC(b)).

STATUS OF THE SERBIAN COMMUNITY IN KOSOVO

Article 7 of the APN references the norms and practices of the Council of Europe on the status of minorities in its Member States (the self-management of the Serbian community in Kosovo). However, Kosovo is not a member of this organization.² In addition, "European models"

² In the theory and practice of the local and regional self-government the expression self-management is not widely established. It should be pointed out that the key documents of the Council of Europe on minorities are the "Framework Convention on the protection of the national minorities" (FRY Official Gazette – Treaties, No. 6/98) and the European Charter on regional and minority languages (SAM Official Gazette – Treaties, No. 18/2005).

are referenced in connection with the status of the Serbian Orthodox Church in Kosovo (EEAS 2023a).

The leading mediators in the negotiations, EU Member States, the US, and the UK, interpret the adequate level of self-management as similar to a previously accepted obligation to form an Association of Serbian majority municipalities under the agreements of 2013 and 2015 (BA 2013; BA 2015; Blinken 2023). In this context, Kosovo has to find a way around the internal legal dilemma created by the decision of its Constitutional Court that annulled the Agreement of 2015 (CCK 2015). The Court did not find the idea of the Association *per se* unconstitutional but required some of its elements to be rehashed. It should be repeated that the APN requires the parties to respect all previously adopted agreements, which might indicate that the future solution would be constitutional amendments in Kosovo in line with the 2015 Agreement. However, the First Agreement of 2013 does not indicate how the self-management model should finally look, and it is obvious that various models are in play. Even the EU Special Representative for the dialogue noticed that Kosovo institutions were presented with 15 various models of self-management for the Serbian community (Taylor 2023).

Moreover, the authorities in Pristina have to formalize the Serbian Orthodox Church's status. Although the APN lists the obligation as mutual, this is not a realistic expectation (EEAS 2023a, Article 7). This obligation was partially provided for in the Ahtisaari plan (2007), and the following special law on the specially protected areas" (2008), and a particular unit of Kosovar police was formed to preserve the objects of religious heritage. Nevertheless, under the APN, more robust and precise guarantees were given to protect Serbian cultural and spiritual heritage, following the existing European models (EEAS 2023a, Article 7).

THE ASTERISK AFFAIR

The asterisk behind Kosovo's name that indicates its status, at least when regional representation is concerned, is regulated following Resolution 1244, and the ICJ's Advisory opinion has seemingly disappeared in the APN (Dijalog 2012). Until now, the position of the Republic of Serbia was that Kosovo could be a member only of regional international organizations (Council for Regional Cooperation, CEFTA, etc.), but with a clear designation of its special status in international relations marked by the asterisk. Now, Kosovo can be a member of a regional and any other international organization, while any symbol has not designated its special status. The only remaining reservation is that Kosovo is not mentioned in the APN under its constitutional name "Republic of Kosovo" (EEAS 2023a).

In addition, this is the first agreement of the two sides that expressly mentions the "accession of Kosovo to the EU" (EEAS 2023a). So far, the used expressions were more descriptive than legally meaningful, such as "road of Kosovo to the EU", "convergence", "the future of Kosovo in the EU", etc. Does using a formal legal term for EU membership mean that Kosovo has now indisputably attained the elements of statehood needed for a candidate? This is only a hypothetical question as long as five EU Member States refuse to recognize Kosovo's independence.

THE WILL TO BE (UN)BOUND

In the end, let us touch upon the failure of both parties to sign the APN and whether this leads to its non-binding nature. Pristina insisted on signing, but Belgrade refused it. The EU, as a mediator, via its High Representative for foreign and security policy, interpreted that both parties accepted the APN and were willing to implement it fully. The doctrine of international law recognizes many examples of unsigned international agreements that remained, especially because of sensitive contents, from the point of view of political images of representatives that signed them (Aust 2013, 87-113). As far as it can be noticed, although the Serbian side refused to sign the APN, nowhere was it publicly stated that its provisions would not be implemented, except for Kosovo's membership in the UN, which the President declared unacceptable (Vesti 2022).

What is more, the formulation of treaty provisions leads one to conclude that they are of hard legal quality since the language used is characteristic of international treaties (the expression "shall" is used in the English language for norms of a commanding nature),³ the provisions are detailed enough, the agreement is implemented in good faith and with the support of mediators. The term "agreement" itself does not presuppose the legal nature of the text. International law does not require a specific form of the treaty for it to be binding, except when parties expressly agree on this matter. Vienna Convention on Treaties defines the international treaty as "an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation" (VCT 2(1)(a)). Yet there remains in the doctrine a minority strand of opinion that all these agreements should be interpreted only as given word, lacking any international legal consequences (Milanović 2023).

The APN lacks explicit provisions on sanctions for failure to perform a treaty. However, the freezing of resources from the accession funds and discontinuation of the accession negotiations are certainly some of the possible mechanisms of pressure by the EU on the parties to fulfill this agreement, and as such, they are listed in the AI and signify why the EU does not have any dilemma about its binding nature.

CONCLUSION

The intensification of the war in Ukraine accelerated the dialogue process between Belgrade and Pristina in the last two years. Specific former models for the stabilization of European affairs, in particular the model of "two Germanies" of 1972, were called upon to prevent and suppress a potential new European crisis. In addition, the APN is, in the context of previously achieved results of the dialogue, only a temporary solution, which will stay in power until the adoption of an all-encompassing legally binding agreement just before the accession of both parties to the EU.

Considering numerous statements by the European and the US officials, the final agreements would have to insist on the definition of the relationship between the authorities in

³ Compare with the 2013 Agreement where the expression "will" was used, "not an ordinary expression for obligations of a legal nature, that usually use the form shall" (Đerić and Papić 2016, 211).

Belgrade and Pristina to round off completely the process of normalization of this relationship, started under the EU auspices in 2011. Unsuccessful attempts at normalization existed already after the NATO military operation in the Federal Republic of Yugoslavia, and especially in the middle of the 2000s during the negotiations on the Kosovo status. Judging by the evolution of former solutions on the normalization proposed by the EU and the US over the last two decades, they would undoubtedly insist on the full mutual, *de jure* recognition between Belgrade and Pristina.

In light of the previously signed agreements between Belgrade and Pristina, political or technical, the implementation process of previous agreements, formulations of the APN and the AI, and statements by the negotiating parties about their will to implement the provisions of these two newest texts as well, it can be concluded, from the international legal point of view, that the APN is an international treaty between two equal sides that partially regulates specific issues of mutual interest. As such, it represents a step towards the future development of relations based on international law, UN Charter principles on good-neighborly relations, equal rights and peaceful settlements of disputes, mutual desire to accede to the EU, and the will to regulate the issue of formal recognition in the mutually acceptable manner. The critical international legal obligation of the Republic of Serbia under the APN is to abstain from preventing Kosovo from freely conducting its international relations. On the other hand, the critical international legal obligation of Kosovo is to find a solution that would enable an undefined measure of self-management for the Association of Serbian majority municipalities on its territory, based on previously accepted agreements of 2013 and 2015, which can lead either to the Kosovo's Constitution amendments or the finding of a new and creative solutions based on the decision of the Constitutional Court of Kosovo, acceptable at the same time for the Serbian party.

Therefore, this study has provided new insights into the dynamics of the normalization process by connecting the legal intricacies of the agreements with the neorealist motivations of the actors involved. Based on the study's findings, some new research can go deeper into the practice of concluding agreements between the parties involved in the status dispute, the role of the EU as a guarantor of such agreements, and the obstacles and opportunities of implementing existing agreements.

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Mihajlo Vučić: conceptualization, methodology, writing - original draft preparation, reviewing and editing. **Dragan Đukanović:** conceptualization, methodology, writing - original draft preparation, reviewing and editing.

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GOOD GOVERNANCE AND RULE OF LAW EFFECT ON GDP GROWTH: LESSONS FOR EMERGING ECONOMIES

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Abstract: *The overall aim of this article is to explore the effect of governance parameters on gross domestic product (GDP) in the 15 countries of the European Union (EU15) as well as the 6 countries of Southeast Europe (SEE6). The research employed the dynamic methodology generalized methods of moments (GMM) to explore the data gathered from the World Bank and the Global Economy database stretching 2000 - 2022, correspondingly 2008 - 2022. Our analyzed result for EU15 confirms that regulatory quality (RQ), government effectiveness (GE), and rule of law (RL) positively influence GDP; instead, control of corruption (CC) negatively influences GDP. The results obtained for SEE6 reveal that GE and CC positively influence GDP, but instead, the RL negatively influences GDP. Additionally, RQ in the SEE6 instance has shown an insignificant influence on GDP. Unfortunately, the study could not cover every country in both panel groups because of data limitations. Regarding the study's conclusions, increased dedication to applying and undertaking reform measures for the key governance indicators for SEE6 countries would be helpful. These insights may raise the need to create specific mechanisms for the RL and CC. Compared to other research, the novelty and originality of the present research lies in the fact that it used panel data via the dynamic GMM approach to explore the role of improving government quality metrics in GDP.*

Keywords: GDP; Governance Parameters; Control of Corruption; Panel Data

INTRODUCTION

Defining the concept of the RL presents significant challenges, much like the contested nature of defining democracy itself. The meaning of the RL lacks a universally agreed-upon consensus, with various perspectives relying on distinct attributes for its characterization (May and Winchester 2018, 21). According to the World Justice Project, governmental bodies, their representatives, individuals, and private organizations are held responsible within the legal framework. The laws encompass various aspects, including clarity, publicity, fairness, and uniform application, with the primary objective of safeguarding fundamental rights such as personal and property security and certain principal human rights. Furthermore, the process through which laws are ratified, managed, and enforced is characterized by accessibility, fairness, and efficiency. Moreover, the timely administration of justice is ensured through the involvement of competent, ethical, and impartial personalities who act as representatives and neutrals. These individuals are sufficiently numerous, possess sufficient resources, and reflect the diverse composition of the communities they serve (World Justice Project 2017).

In contrast to the criteria for an efficient legal system, the impression of the RL can be regarded as a meta-norm, representing a cultural perception of the legal system and its connection to individuals. When appropriately interpreted, this concept comprises two

fundamental elements: the establishment and maintenance of a legal framework and societal stability, as well as the imposition of constraints on the powers and scope of government (Nedzel 2010). The law-and-order component posits those individuals have implicitly consented to abide by the rules due to the advantageous outcomes associated with compliance. Furthermore, individuals may feel compelled to comply due to the potential consequences they may face if they fail. By doing so, it prioritizes the interests and well-being of individuals rather than focusing on the collective as a whole. The limited government refers to a political concept encompassing two essential principles: the equitable enforcement of laws and the imposition of constraints on the powers wielded by the government (Nedzel 2017). The concept of the RL and its correlation with economic growth remains a prominent subject of investigation in both theoretical and empirical studies. A central point of contention on the impression of the RL revolves around its inherent nature as either an ultimate objective or a means to achieve broader aims or objectives. Numerous academic and empirical investigations conducted in recent years have endeavored to discern the exact nature of the causal connection between it and development, yielding varying outcomes in the majority of cases. Although there is existing evidence regarding the relationship between RL and development, a significant portion of the discourse revolves around the strategies for implementation rather than questioning its capacity to facilitate development (Davis and Trebilcock 2008). The prevailing belief is that the presence of the RL is crucial for fostering economic development. However, Haggard and Tiede assert that the RL is a complex construct incorporating various interconnected elements, including safeguarding personal security and property rights, establishing mechanisms to limit government power, and combating corruption (Haggard and Tiede 2011). A country's comprehension of the RL is contingent upon a comprehensive understanding of governance. The notion of governance encompasses the comprehensive manner in which a state is administered, intending to ensure the adequate and equitable inclusion of all pertinent stakeholders (Nandini, Mara, and Betts 2012). The acknowledgment of the significance of the RL in the process of development prompted various development institutions, such as the World Bank, to engage in the justice sector during the initial years of the 1990s.

GE influences GDP growth via several channels, including infrastructure quality, regulatory framework, human capital investments, political stability, and corruption issues. There is a complicated and multifaceted link between these parameters, and GDP growth is both a cause and a consequence of GE. RQ has a big impact on how easy it is to do business. Regulations that uphold property rights, lessen corruption and guarantee fair competition are all products of an efficient government and are necessary for the economy's expansion. The IMF claims that countries with better governance and a lower incidence of corruption often see more rapid economic growth since these characteristics positively connect every organization and promote investment and innovation. Economic development and the ongoing battle against corruption have a tangled interaction that varies widely among rising countries. The scientific community mostly believes that corruption hinders economic development by weakening the quality of institutions, discouraging investment, and misallocating resources that could otherwise encourage development. Enhancing governance, promoting both local and global investment, and achieving better use of resources depends on the GE of corruption and are crucial for the economic success of emerging economies.

Thus, this paper aims to scan these factors' influence on GDP growth, particularly in developing countries. Specifically, the focus will be on the RL, GE, RQ, and CC. To examine the dynamics of the parameters above and their relationship with GDP growth, the analysis focused on the period up to 2022. To explore the interplay between the parameters under examination and derive meaningful insights for developing countries, a comparative study was conducted between the EU15 countries and those in SEE6. Throughout the following paragraphs, we will illustrate visually the data for each panel for the rule of law parameter that the research includes (for EU15 countries compared to the years 2000 and 2022, whereas for SEE6 compared to the years 2008 and 2022). The motive of portraying only these two periods is to explore their dynamics and determine whether there have been ongoing improvements.

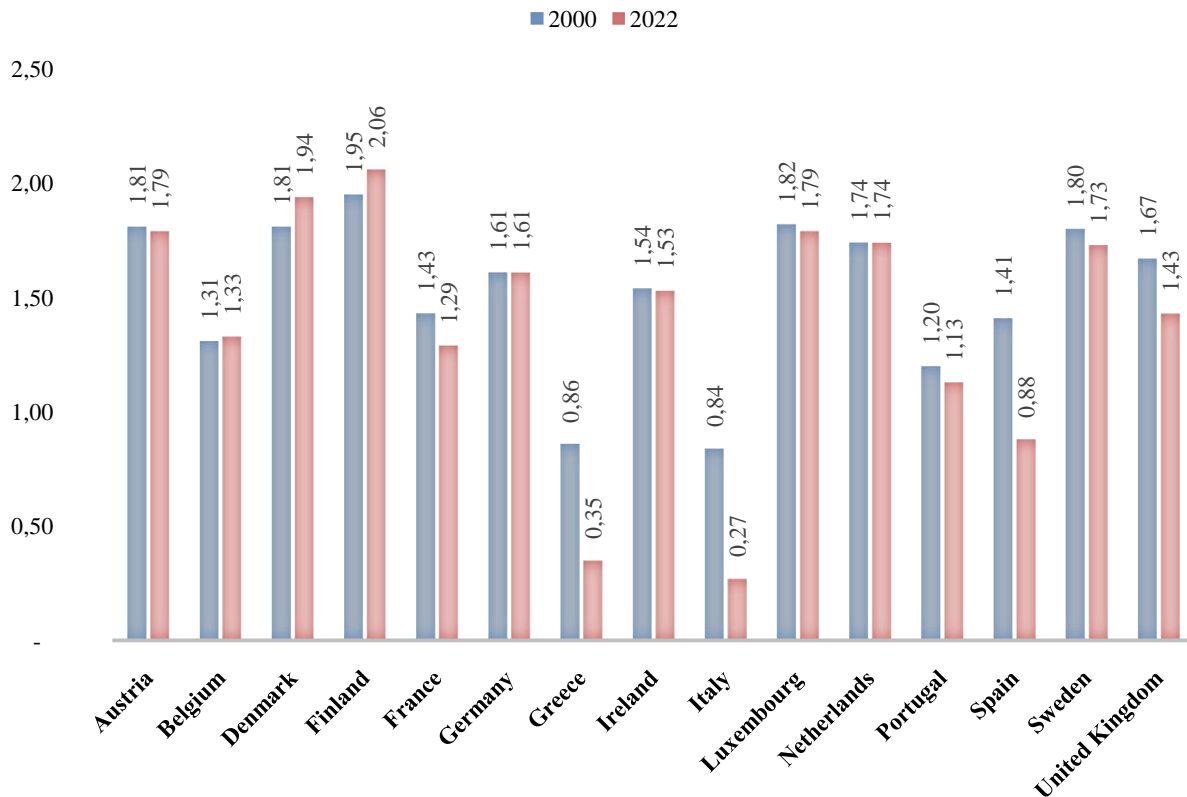


Figure 1: Rule of Law Tendency (EU15)
(Source: Authors' compilation based on data)

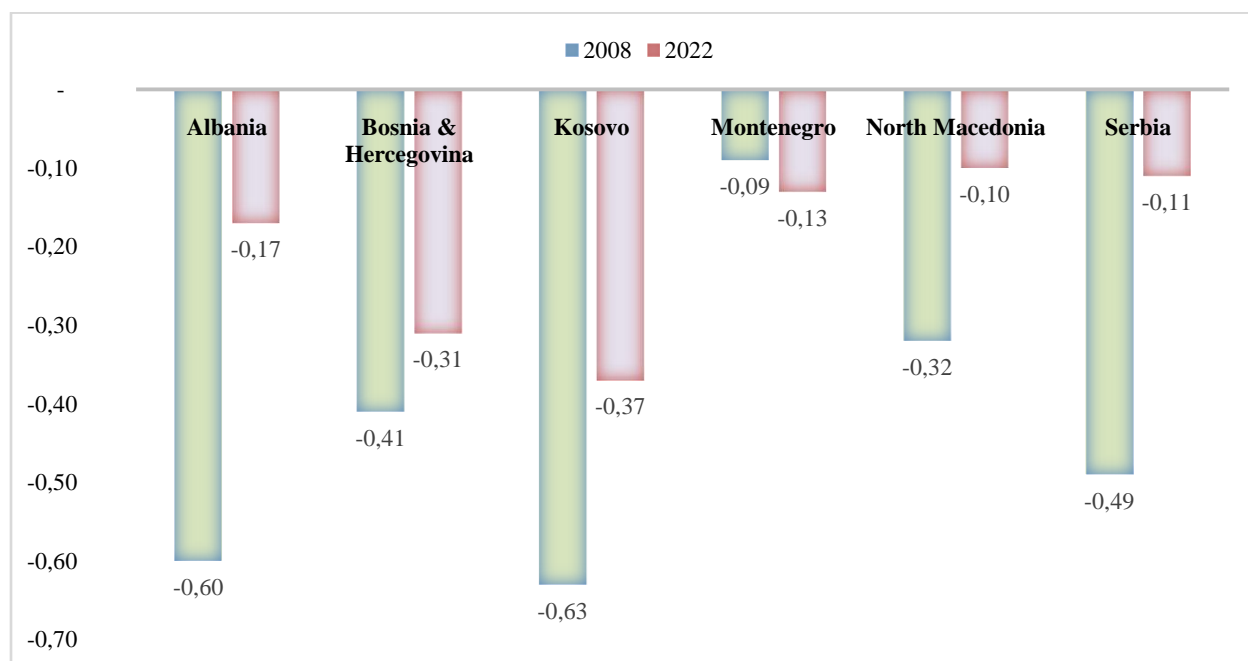


Figure 2: Rule of Law Tendency (SEE6)
(Source: Authors' compilation based on data)

Based on the layout of Figures 1 and 2, it is seen that the RL parameter in the EU15 countries, each country has a positive value (interval -2.5 to 2.5). In contrast, the SEE6 countries possess a negative value, indicating sufficient proof that the developing countries continuously implement enhancements to enforce the RL. The primary emphasis of this engagement was directed towards establishing and enhancing institutions, with the subsequent introduction of legal empowerment within the realm of the development community. Enhancements in the RL yield a rise in per capita income and engender more immediate and profound impacts on individuals' livelihoods.

Therefore, it is evident that the conceptualization of development has transformed, leading to a corresponding evolution in the comprehension of the role played by the RL in the development process. Furthermore, there has been a proliferation of various stakeholders engaged in the advancement of the principle of legal governance (Mooney 2013, 72). The RL can be broadly categorized into two main methods: the economic development line and the state-building line.

Despite their initial divergence, these entities are now displaying signs of convergence. The state-building approach conceptualizes the RL as a set of principles endorsed by the state, reaffirming its commitment to procedural, substantive, and international legal norms. This approach posits that establishing a functional state is intricately linked to the concept of the RL. As a result, justice intervention prioritizes enhancing state law and institutions, intending to align substantive laws with international legal standards. The core principle underlying the economic development perspective on the RL is that the primary purpose of the RL is to facilitate economic progress, primarily by establishing and upholding effective market systems (Mooney

2013, 73-74). The relationship between per capita income and a country's score for the RL in the World Bank's Worldwide Governance Indicators (WGI) is undeniably interconnected. The global community is convinced that assisting in establishing and maintaining legal frameworks is a valuable endeavor for developing nations and their international counterparts. The confirmation of this statement is evidenced by the incorporation of Target 3 within Goal 16 of the Sustainable Development Goals (Michel 2020, 5-6).

THEORETICAL BACKGROUND

The Drivers Associated with GDP Growth

Various factors are associated with GDP_{growth} . Along with such well-known points as import and export (Velaj and Bezhani 2022), foreign direct investment (Azizov et al. 2023), interest rate, virtual finance reform (Zhang and Tao 2022), components of money supply (Karthikeyan and Murugesan 2021), crude prices shock (Bhadury et al. 2023), and fiscal shocks (Jiménez et al. 2023), there are also such factors as machine learning and modeling (Robotko et al. 2023), digital transformation (Parra et al. 2021), public expenditures (Kutasi and Marton 2023) etc. Meanwhile, recently, a special emphasis has been placed on the governance index (RL, GE, RQ, and CC) on its impact on GDP_{growth} (Misi Lopes et al. 2023; Beyene 2022, and Mohammed et al. 2020). Despite the variety of factors that can influence GDP_{growth} , modern scientific research is concentrated around certain clusters. The most popular and relevant topics in recent years have been pandemic problems, green courses, inequality, and governance index (Accountability, political stability, GE, RQ, CC, and RL).

The impact of the pandemic on GDP_{growth} has been studied in many scientific articles; for instance, Veljanoska, Houjeir, and Pacukaj (2022) explored the influence of the pandemic on GDP_{growth} , foreign investment, and exports in a hypothetical instance of the Turkish economy.

Multivariate regression computation was employed to obtain an adequately consistent examination. The results reported in this research reveal that the Covid-19 pandemic has negative consequences on GDP_{growth} and exports. From a different perspective, Winkler (2021) evaluated "if and to what degree" the measures adopted by governments in response to Covid-19, which can make a divergence in GDP_{growth} throughout the development of 2020. The fundamental idea of the research was focused on the speed and effectiveness of government-imposed business interventions when faced with distinct waves of infections, relying on elimination and mitigation strategies. The discoveries of the research demonstrate that from the instance of forty-four economies contained within the panel breakdown, employing the elimination strategies produced less impact on GDP_{growth} compared to the mitigation strategies. The topic of green courses in the context of GDP_{growth} is very diverse: renewable energy (Formánek 2020), ecological footprint (Alruweili 2023), energy efficiency renewable energy (Kadir et al. 2023), and even water quality - all of this can have a significant impact. For instance, the study "Greenhouse gas secretion, GDP_{growth} , tertiary education, and RL: A comparative study between high-income and lower-middle income countries" (Furkan, Rakibul Hasan, Uddin 2023) indicates that in the LMICs, greenhouse gas emissions are strongly progressively related with GDP_{growth} and the negative with tertiary education specifies it squeezes down the secretions.

GDP is not an important driver for the HICs, and the beneficial influence for tertiary education suggests that the release of greenhouse gases may be the consequence of wasteful operations possibly related to higher university education, which requires further analysis. The shape of the cross-section augmented autoregressive distributed lags examination (CS-ARDL) was adapted in the research titled "A Nexus Between the RL, CC, GE, RQ, GDP_{Growth}, and Sustainable Environment in Top Asian Countries", which stipulated new awareness from heterogeneity panel evaluations (Lin, Chang, Shahzad, Waseem 2022). Concerning the CS-ARDL discoveries, the RL and the theory of green innovation possess an adverse association.

Besides, the Environment Kuznets Curve prediction proved to be accepted and appropriate. In light of the outcomes, creating consciousness has been recommended to establish the RL. On the other hand, additional support and investments are also encouraged to reach higher standards of Research and Development, which will ultimately improve the degree of green innovation (Lin et al. 2022). Regarding the issue of inequality, researchers pay attention to various aspects. The study "The Impact of External Debt on Human Capital Development and GDP_{growth} in HIPC: a Comprehensive Approach" (Beyene and Kotosz 2023) attempts to explore the influence of foreign debt on HCD and GDP_{growth} in heavily indebted poor countries (HIPC) relying on seemingly unrelated regressions (SUR) as well as comparable simultaneous equations models (SEMs) from 1990-2017. The conclusion confirms that the interaction between foreign debt and HCD is adverse and non-linear; however, only non-linearity can be noticed among foreign debt and GDP_{growth}. Besides, external debt affects HIPC's growth over the HCD network. Consequently, the research endorses essentializing robust macroeconomic policies, strengthening institutional performance, appropriate debt management strategies, and investing borrowed funds in productive projects. The study "Law in the Tax Legal System, Income Inequality and Economic Growth: An Empirical Estimation" (Selimi, Ibraimi, Ziberi 2022) used the approach known as OLS to identify the parameters that influence inequality in income and economic growth. It is concluded the existence of a positive Gini ratio validates the Kuznets hypothesis and the pro-inequality idea, which demonstrates that in the first stage of countries' development, inequality of income is predicted to be positively associated with GDP_{growth}.

Governance Index Associated with GDP Growth

It should be noted that legal regulation is the connecting link for these three clusters and possibly other areas. Numerous publications in this discipline incorporate relevant, scientifically significant characteristics; for instance, regulations on planning promoting environmentally conscious development have not stopped the exhaustion of natural resources and worldwide life-support systems, fueling evidence for degrowth and transitions to steady-state economies (Smith and Prahalad 2023). To maximize the benefits of natural gas and oil resources, Local Content Regulations (LCRs) have become increasingly prevalent in the last 15 years among oil-rich economies (Nwankwo and Iyke 2022). Through scrutinizing the Norwegian Planning and Building Act 2008, the chapter finds that the legal framework provides opportunities and constraints for striving for a post-growth society (Xue 2022). The RL alters labor productivity growth (LPG) within companies inside the EU in two diverse ways. Firstly, the RL contributes to labor productivity growth by boosting total factor productivity (TFP).

Secondly, the RL contributes to business investments in intangible assets (Roth 2022). The availability of markets that operate effectively is a vital component affecting a country's GDP_{growth} . Moreover, an efficient jurisdictional structure is crucial for markets to operate properly. Consequently, it is rational to presume a confident link exists across income per capita and adherence to the RL, GE, RQ, and CC (Cunha 2021). Furthermore, in recent years, researchers have explicitly examined the impact of governance and official components on GDP_{growth} in various countries. For example, Dickson et al. (2021) employed a two-step GMM to explore the consequence of governance components on GDP_{growth} for Sub-African countries by examining the period 2006-2018. The discoveries of this research have demonstrated that any improvement in quality institutions positively influences GDP_{growth} . Additionally, the research also examined every one of the components, such as the RL, GE, RQ, and CC, and in the end, it concluded that each of these variables had positive impacts on GDP_{growth} . Following a similar methodology, Marija (2020) performed a comparative study comparing EU and non-EU countries, respectively SEE6, to measure the influence of institutional quality parameters on GDP_{growth} . The outcomes of this research have had a positive effect in the long term for EU countries; nevertheless, for non-EU countries, the RL and CC have had positive effects. Lastly, Paitoon (2020) obtained its initial argument by exploring the degree of interaction among good governance components and GDP_{growth} across 18 Asia and Pacific countries, encompassing the period 2000-2017. The mathematical modeling technique employed to examine the degree of interaction in this research relies on fixed effects, and outcomes imply a significant relationship with GDP_{growth} .

RESEARCH METHODOLOGY

Data and Sample

The population sample within our research incorporates two-panel sets, which consist of the 15 countries of the European Union (EU15) during the period 2000 to 2022 as well as the 6 countries of Southeast Europe (SEE6) from 2008 to 2022. The information gathered for EU15 covers 345 observation periods, whereas the info for SEE6 covers 90. Unfortunately, the lack of appropriate information caused us to focus on the shortest time frame for SEE6 compared with EU15 countries. Data for the dependent variable GDP_{growth} was gathered using the World Bank database, whereas the independent variables were gathered using The Global Economy database. The research incorporated the independent variables RL, GE, RQ, and (CC) in each scenario. Another motivation for examining both groups result in what beneficial lessons could be received from the EU15, countries in transition that aspire to be part of the EU. The selection of variables and the conceptualization of the model simulation are inspired by the researchers Zhuo, Musaad, Muhammad, and Khan (2021) and Hussain, Kot, Kamarudin, and Yee (2021) setting certain modifications in terms of evaluating GDP_{growth} , indicating a distinction with the mentioned researchers. The summary of variables in tabular form is offered in Table 1, initially with the nomenclature, applicable acronyms, and data sources where they were produced.

Table 1: Description of Variables (Authors' compilation)

Description	Denominations	Abbreviations	Data sources
Dependent Variable	Gross Domestic Product Growth	GDP _{growth}	World Bank
Independent Variable	Rule of Law	RL	Global Economy
	Government Effectiveness	GE	Global Economy
	Regulatory Quality	RQ	Global Economy
	Control of Corruption	CC	Global Economy

Model Specification

To evaluate the influence of a variety of factors known as "government predictors" on GDP_{growth}, numerous researchers employed multiple strategies and techniques to capture the influence of these factors on GDP_{growth}. Throughout a comprehensive empirical analysis, it is concluded that all approaches and models possess their deficiencies. Still, a practically silent consensus exists among researchers when we are dealing with the dynamic nature of the information presented in the research, and due to their behavior depending on their previous behavior, it is necessary to apply the dynamic model with panel data. Therefore, based on this premise, the dynamic nature of the approach minimizes the application of the OLS approach, which can offer us skewed and inconsistent outcomes due to the observed association across panel data and the lagged predicted variable (Hasanovic and Latic 2017). Considering this information, Arellano and Bond (1991) developed an innovative approach recognized as the GMM regarding dynamic panel data, which addresses endogeneity issues, which produces biased results and heterogeneity despite observed within countries, which cannot be correctly calculated. Researchers advised that additional instruments needed to be incorporated into the dynamic model, and modifications should be used in addition to producing more reliable outcomes. Furthermore, Arellano and Bover (1995) and Blundell and Bond (1998) have modified the prior approach differently, determining further restrictions on the primary conditions and agreeing to use additional instruments that will enhance the model's effectiveness. The above modification leads to combining the first difference of the equation with the equation wherein the first differences of the variables are instrumented. This form leads to a system with two equations (two stages), one original and one transformed. Another distinctive attribute of this approach is that it eliminates endogeneity, autocorrelation, variability, and omitted variable bias and examines the errors in the model (Ullah et al. 2018). The mathematically expressed formula for one-step GMM is:

$$Y_{it} = \sum_{j=1}^r \varphi_j Y_{i,t-j} + X_{i,t} \beta_1 + w_{it} \beta_2 + \pi_i + \varepsilon_{i,t} \dots (1)$$

Upon this, the two-step GMM is designed and defined as follows:

$$\Delta Y_{it} = \Delta \sum_{j=1}^r \varphi_j Y_{i,t-j} + \Delta X_{i,t} \beta_1 + \Delta w_{it} \beta_2 + \Delta \pi_i + \Delta \varepsilon_{i,t} \dots (2)$$

The effective two-step GMM estimation incorporates the fact that a consistent estimate of δ can be derived by GMM employing a random positive definite and symmetrical weight

matrix \widehat{W} such that $\widehat{W}\rho \rightarrow \widehat{W}$. Therefore, upon considering the advantages of two-step GMM, we will compute the equation in our concrete instance for the two panels presented in the research.

$$\Delta \text{GDP growth}_{i,t} = \varphi + \Delta \mu (\text{GDP growth}_{i,t})_{-1} + \Delta \beta_1 (\text{RL}_{i,t}) + \Delta \beta_2 (\text{GE}_{i,t}) + \Delta \beta_3 (\text{RQ}_{i,t}) + \Delta \beta_4 (\text{CC}_{i,t}) + \Delta \pi_i + \Delta \varepsilon_{it} \dots \dots (3)$$

Where: $\text{GDP growth}_{i,t}$ - symbolize the dependent variable, β_1 to β_4 - symbolize the independent variables used in the estimation, i - symbolizes the individual effects in the context of the economies, t - the period 2000-2022, respectively 2008-2022, π_i - symbolize unobserved captures of country-specific issues and ε_{it} - symbolizes the expected error.

RESULTS AND DISCUSSION

Descriptive Statistics

To perform a widespread descriptive examination caused by panel data, 23 years for the EU15 countries and 15 years for the SEE6 countries were calculated for the dependent variable $\text{GDP}_{\text{growth}}$ and certain of the governance parameters. As can be seen from the data displayed in Tables 2 and 3, there are considerable discrepancies in the mean values of the variables incorporated into the model across the two data sets. Furthermore, these early findings offer the first insights into what lessons the SEE6 countries might learn by comparing their implementation of good governance practices from the EU15 countries. The $\text{GDP}_{\text{growth}}$ of the countries currently in the transition stage have a mean value of 2.68% compared to the EU15 countries, which is 1.75%. Based upon the data reported in Table 2, the RL metric has resulted in a mean value of 1.47 points, where the variation between the lowest and the highest score is 0.07 2.12 (the lowest score of 0.07 was achieved in Greece in 2017, whereas the largest score in 2017 in Finland of 2.12). The standard deviation (SD) estimated based on this variation is 0.48. However, it is important to highlight from the empirical review that none of the EU15 countries have a negative score regarding RL. Based on the analysis outcomes, the GE parameter has a mean score of 1.47 points and an SD of 0.49. The lowest level recorded was 0.16 in Greece in 2016; meanwhile, the highest score recorded was 2.35 in Denmark in 2007.

Additionally, RQ has a mean score of 1.41 points, with an SD of 0.41. The lowest score recorded for RQ was 0.14 in Greece in 2017; meanwhile, the highest score was 2.05 in the Netherlands in 2017. The final parameter measured in the research context is CC, with a mean score of 1.55 points and an SD of 0.61. The lowest score of 0.01 was recorded in Italy in 2014, while the highest score of 2.46 was in Denmark in 2007.

Table 2: Summary Statistics for EU15 (Source: Authors' calculations)

	GDP _{growth}	RL	GE	RQ	CC
Obs	345	345	345	345	345
Mean	1.7489	1.4722	1.4694	1.4114	1.5513
Std.D	3.4270	0.4823	0.4958	0.4052	0.6084
Min	-11.3254	0.0695	0.1559	0.1443	0.0101
Max	24.3704	2.1247	2.3463	2.0454	2.4601
Skewness	0.0825	-1.1048	-0.8618	-0.7825	-0.6439
Kurtosis	10.3623	3.3567	2.9775	2.6997	2.4828

Within our analysis of EU15 countries about skewness, the symmetric data has the dependent variable GDP_{growth}, while positive skewness has RL, whereas negative skewness values have GE, RQ, and CC. Kurtosis has turned out to be leptokurtic throughout this time frame since its value is greater than zero. On the other hand, the overview of descriptive data for SEE6 countries is expressed in Table 3 in more detail.

Table 3: Summary Statistics for SEE6 (Source: Authors' calculations)

	GDP _{growth}	RL	GE	RQ	CC
Obs	90	90	90	90	90
Mean	2.6782	-0.2624	-0.1902	0.0820	-0.3731
Std.D	3.7535	0.1684	0.2897	0.2254	0.1990
Min	-15.3068	-0.6273	-1.0434	-0.3868	-0.7800
Max	13.0434	0.0244	0.2928	0.5244	0.0100
Skewness	-1.3276	-0.2267	-0.9764	-0.0091	0.1807
Kurtosis	8.4705	2.1409	3.7132	2.0624	2.1856

The RL parameter throughout the studied period reached a mean score of -0.26 points (estimated in the range -2.5 to 2.5), wherein the lowest score was reported in Kosovo of -0.63 in 2008, while the highest score was reported in 2019 in Montenegro with a score of 0.02. With the following parameter, GE has resulted in a mean score of -0.19. The smallest score reached was in 2020, with a rating of -1.04 in Bosnia & Herzegovina; however, the highest score was reported in Montenegro, with an overall score of 0.29 in 2014. Regulatory quality is a significant parameter with an average value of 0.08 and an SD of 0.22. The lowest value of this parameter was recorded in Serbia in 2008, with an overall value of -0.39, whereas the highest reported value was in North Macedonia in 2018, with a value of 0.52. Lastly, CC has a mean value of -0.37 over the studied period. The lowest value of this parameter was reported in Albania in 2012 with a value of -0.78, whereas the highest was reported in Montenegro in 2018 with a value of 0.01. Within the scope of skewness, only the RQ parameter has a symmetrical distribution; meanwhile, the GDP_{growth} parameter exhibited a positive skewness interaction. Other parameters exhibit negative skewness. An empirical examination of kurtosis indicates that we have leptokurtic dispersion, as every parameter has a value greater than zero with a positive mark.

Correlation Analysis

The main advantage of performing the correlation breakdown is to examine the nature and level of the interaction between the variables reported in Tables 4 and 5. Additionally, the information reported in Table 4 reveals that GDP_{growth} has a slight interaction with all variables included in the analysis.

Table 4: Correlation Matrix EU15 (Source: Authors' calculations)

	GDP_{growth}	RL	GE	RQ	CC
GDP_{growth}	1.0000				
RL	0.1527	1.0000			
GE	0.1559	0.4285	1.0000		
RQ	0.1857	0.5107	0.5567	1.0000	
CC	0.1417	0.3369	0.4174	0.4991	1.0000

Concerning the outcomes of this examination, it is discovered that the strongest interactions are present between GDP_{growth} and RQ with $\beta = 0.1857$. Another motivation for completing this analysis is to avoid multicollinearity within the variables included in the examination because failing to verify this issue can lead to incorrect conclusions. Therefore, in light of the outcomes, we can confidently emphasize the absence of multicollinearity; meanwhile, none of the variables has a strong interaction (more than $\beta > 0.75$). In this vein, Gurjati (2004) points out that if any constants among the variables have a constant greater than or equal to $\beta > 0.75$, then we have problems with multicollinearity.

Table 5: Correlation Matrix SEE6 (Source: Authors' calculations)

	GDP_{growth}	RL	GE	RQ	CC
GDP_{growth}	1.0000				
RL	-0.1250	1.0000			
GE	-0.0154	0.4581	1.0000		
RQ	-0.0895	0.3243	0.5882	1.0000	
CC	-0.1019	0.6428	0.4750	0.3348	1.0000

However, on the contrary, according to our estimations, Table 5 (for the SEE6 countries) shows opposite interactions with Table 4 (for the EU15 countries). In other words, these findings point towards that GDP_{growth} has a slight interaction with a negative sign. As an overall summary of our examination, it offers solid signals that SEE6 countries could learn lessons from the effective practices implemented in EU15.

Panel Unit Root Test

Our research, to further strengthen the justification of the robustness of the empirical approach, employed the stationarity test to avoid unpredictability regarding the analysis and

verify whether the data are integrated into the level or in the first order. Numerous scholars performed different tests; however, in our research framework, we employed the traditional Fisher test for unit roots to determine the stationarity of the regressors. Table 6 offers data for both panels, EU15 and SEE6, demonstrating the statistical trend and ρ - value.

Table 6: Unit Root Test (Source: Authors' calculations)

Variable	Fisher - EU15		Fisher - SEE6	
	At level	1 st difference	At level	1 st difference
	Statistic & ρ - value	Statistic & ρ - value	Statistic & ρ - value	Statistic & ρ - value
GDP _{growth}	-13.8872 0.0000	-20.7689 0.0000	-10.2877 0.0000	-15.7560 0.0000
RL	0.0353 0.5141	-12.5213 0.0000	-0.1552 0.4383	-5.4887 0.0000
GE	-1.4680 0.0710	-13.5323 0.0000	-0.6735 0.2503	-7.2503 0.0000
RQ	-2.0116 0.0221	-14.1271 0.0000	-2.6752 0.0037	-7.0162 0.0000
CC	0.7672 0.7785	-12.5975 0.0000	2.0481 0.9797	-5.9231 0.0000

The unit root examination begins by considering the premise that if the utilized data are non-stationary, they have a unit root; the null hypothesis is defined due to this premise that the statistics have a presence of a unit root. Based on the measurement outcomes within the context of the research, it was discovered that in the first panel (EU15), only two parameters (RQ and CC) were not stationary in level, whereas, in the second panel, it was discovered that we have three parameters that are not stationary (RL, GE, and CC). To overcome this issue, we integrated the data in both panels in the first difference, and all the data succeeded in being stationary at the 1% significance level. This was discovered in both instances based on ρ - value outcomes ($\rho = 0.000$). Hence, in light of the discoveries mentioned above, our research rejects the null hypothesis and validates the alternative hypothesis. To determine if the data was properly integrated in the first difference, researchers performed the Pedroni test, which turned out to be significant at 1% in both panels. Consequently, this offers ongoing verification that the data is correctly integrated (Pedroni 1999).

Findings and Discussion

Our research relies on the two-stage GMM approach to discover the short-term effects of indicators known as governance parameters on GDP_{growth}. The variables mentioned above are recognized as extremely important for establishing sustainable economic development. The two-stage GMM approach has been employed to examine contexts and time-specific properties and mitigate the bias of the endogeneity of the variables. Results from both panel sets are presented in Table 7. Based on the premise of the soundness and reliability of the approach

employed, we're going to explain the results for certain applied tests; hence, the Wald chi2 has a coefficient ($\beta = 94.00$, with probability $\rho = 0.000$ for EU15, while $\beta = 18.59$, with probability $\rho = 0.0264$ for SEE6) indicating that the specification of the approach employed is adequate. Additionally, the Sargan *J test* was employed to decide whether the instruments incorporated into the approach have been well suited; the results of this assessment indicate in both instances have coefficients $\beta = 17.363$, with $\rho = 0.463$, respectively $\beta = 6.723$, with $\rho = 0.384$. The instruments are appropriately suited to the result of this test, which reveals insignificant results concerning both instances ρ - value has higher significance than $\rho = 0.01$, $\rho = 0.05$, and $\rho = 0.10$.

Table 7: Empirical Results (Source: Authors' calculations)

	<i>Two-Stage GMM – EU15</i>		<i>Two-Stage GMM – SEE6</i>	
	β	$\rho \geq [z]$	β	$\rho \geq [z]$
RL	36.53881	0.020	-225.6929	0.079
GE	96.89353	0.007	98.5821	0.030
RQ	45.13323	0.007	-159.7643	0.393
CC	-19.39681	0.022	332.3896	0.012
_cons	3.164921	0.013	112.4888	0.016
Screening tests				
Observation	345	" - "	90	" - "
Wald chi ₂	94.00	0.0000	18.59	0.0264
AR(2)	0.5182	0.6043	0.6722	0.5015
Pedroni test	-11.6674	0.0000	-15.0692	0.0000
Sargan J- test	17.3637	0.4630	6.7236	0.3846

Note. Significant, correspondingly, at 1, 5, also 10 percent.

Following our first model, displayed in Table 7, the findings validated the core idea that RL positively increases GDP_{growth} for EU15 countries. This argument is based on the coefficient ($\beta = 36.538$, with probability $\rho = 0.000$), which is statistically significant at the 1% confidence level. The empirical evidence reported here points out that an increase in RL leads to a proportional increase in GDP_{growth}, implying that a one-point upgrade of this parameter substantially increases GDP_{growth} for EU15 countries. The results we obtained line up with those of the authors (Beyene 2022; Dickson et al. 2021; and Patrick 2020), who support the claim that the governance index has a significant positive association with GDP_{growth}. Additionally, this information clearly highlights the theoretical sense that the strengthening and implementation of RL converts into a beneficial impact on GDP_{growth}. Mohammad et al. (2020) offered evidence consistent with our study's outcomes by evaluating 23 developed and 6 underdeveloped countries employing the panel GMM system. The aforementioned global governance index was constructed via principal component analysis (PCA) to examine the influence on GDP growth. The results of the current inquiry suggest that governance quality (RL, GE, RQ, CC) positively influences GDP growth. In the same spirit, Patrick (2020) employed the GMM approach to examine the Central African Community Member States from 1996 to 2014. The research concludes that every single variable positively influences GDP growth. Nevertheless, thoughts predominate that the insufficient placement of RL would have a negative influence on

GDP_{growth}. As a consequence, considering the perspective of the second panel of our research for SEE6 countries, the RL parameter has resulted in a negative influence on GDP_{growth} for the observed period. This discovery is also expected, as is previously revealed in Figure 2, where all countries have an insufficient evaluation. Indeed, the coefficient ($\beta = -225.69$, with probability $p = 0.079$) reveals that it exerts a statistically significant adverse influence on GDP_{growth} at the 1% confidence level. The discovery implies that SEE6 countries must focus on enhancing the RL index since it positively affects GDP_{growth}. The discovered results comply with the authors' conclusions (Misi Lopes et al. 2023; Mohammad et al. 2020; Abdullahi et al. 2019).

Our second parameter of governance index in the context of our research is GE, which has resulted in having a significant positive influence at a confidence level of 1% within the EU15 and SEE6 countries. For further verification of the argument, we take into account the value of the coefficient and *p-value* (EU15 countries $\beta = 96.893$ with $p = 0.007$, as well for SEE6 countries $\beta = 98.582$ with $p = 0.030$). Regarding both scenarios, the research demonstrates that any substantial improvement in GE will undoubtedly positively affect GDP_{growth} equally in the EU15 countries and the SEE6 countries. Good governance mechanism is connected with beneficial and detrimental governance, as indicated by research that scrutinizes the interactions between democracy, GE, and GDP growth (e.g., Acemoglu et al. 2019; Tarverdi et al. 2019).

Hence, GE aspects, when addressed in a more concentrated way, promote GDP growth. Our discoveries are comparable to those of Oanh et al. (2021), who analyzed forty-eight countries in Asia encompassing the period 2005-2018, and their findings indicate a positive association between GE and GDP_{growth}. Researchers Dickson et al. (2021) reached the same conclusion by employing two-stage GMM to quantify the effect of GE in Sub-African countries encompassing the period 2006-2018.

Moreover, RQ in the context of the EU15 countries has resulted in significant statistical importance of 1%, with a positive sign on GDP_{growth} offering evidence that countries that possess sufficient RQ tend to exhibit sustainable economic progress compared to those in the transition period. Within SEE6 countries, the coefficient's value has a negative sign; however, it has insignificant statistical influence considering the value of $p = 0.393$. The research discoveries are in full accordance with the study by Misi Lopes et al. (2023), Beyene (2022), and Mira and Hammadache (2017). The studies mentioned above confirm consistent evidence that RQ has a positive effect on GDP_{growth}, wherein each study used unique empirical methodologies with the common denominator of GDP_{growth}. In this regard, our outcomes are steady with several research studies; for instance, Nguyen, Su, and Nguyen (2018) address 29 underdeveloped countries and ultimately arrive at the same conclusion: RQ, along with additional measures of institutional quality, boosts GDP growth. Further, the study's most in-depth results demonstrate that economies with high RQ are more desirable to foreign investment and trade openness.

Finally, the CC parameter in the context of the research across the EU15 countries produced a negative impact ($\beta = -19.396$; with $p = 0.022$), which stands opposite to the findings of the SEE6 countries where this parameter has produced a positive impact ($\beta = 332.389$ with $p = 0.012$). Many researchers have examined the effect of CC, and an important number of them have found that in high-income nations, this parameter negatively influences GDP_{growth}, whereas in developing countries, CC is positively associated with GDP_{growth}.

Thus, the research results we performed fully agree with those of Misi Lopes et al. (2023), who independently examined each component of the governance index in industrialized and emerging countries. The conclusions of this research support the concept that in advanced economies, CC has a negative impact (e.g., the example of Germany), whereas in developing countries, CC is reflected positively (e.g., the example of South Africa). Researchers Cieřlik and Goczek (2018) studied the influence of CC on international investments and GDP_{growth} employing a sample of 142 countries observing the period 1994-2014. Based on the results they obtained, it is claimed that CC negatively impacts investments and GDP_{growth}.

Insights Learned for SEE6

Extensive research has confirmed that the RL plays a crucial role in safeguarding fundamental human rights and serves as a foundational element in attaining broad-based economic well-being. Promoting and facilitating economic development in countries necessitates addressing key challenges related to the RL, specifically GE, RQ, and CC. These areas are crucial in generating GDP_{growth}. The correlation between GE and GDP_{growth} is characterized by a linear relationship, indicating that an improvement in GE positively influences a country's economy. The presence of GE is considered a fundamental requirement for fostering economic development, as evidenced by research that highlights the crucial role of GE in shaping economic development strategies. The presence of RQ is a fundamental requirement for establishing the requisite conditions for the RL. The stability and effectiveness of RQ play a decisive role in supporting the functioning of consumer markets, businesses, and investment activities. These frameworks must exhibit transparency, fairness, and predictability to foster an environment conducive to economic growth and development. An effective and independent regulatory serves to curtail the state's authority and mitigate the potential for power abuse.

The research findings demonstrate a clear correlation between the economic development of the EU15 states and their notable accomplishments in the components mentioned above, in contrast to the relatively limited progress observed in the SEE6 states. Therefore, it can be inferred that the SEE6 states ought to emulate the EU15 states' approach, which entails prioritizing the enhancement of RL, GE, RQ, and CC while also considering the unique characteristics of the regional context. Sustainable economic development is realized by employing an integrated approach involving private and public sectors. It is anticipated that the public sector in the SEE6 will take the lead in initiating the necessary processes to facilitate this development.

CONCLUSION

This article explored the impression of the RL, GE, RQ, and CC on the GDP_{growth} in the EU15 and within SEE6 via panel data gathered from the World Bank and Global Economy. The article aimed to evaluate the influence of the RL, GE, RQ, and CC on GDP_{growth} through the dynamic systems evaluation method (GMM) via panel data, including the period 2000-2022 for EU15 and 2008-2022 for SEE6. The primary conclusions reached by both examined panels confirmed the relevance of RL, GE, RQ, and CC to GDP_{growth}, wherein an improvement in these

parameters is directly interrelated with GDP_{growth} . Throughout the exploration of the individual results (the case of EU15 and SEE6), it is established that there are variations within them, not in provisions of statistical consequence, but in provisions of positive or negative influence on GDP_{growth} . Within the first panel, RL, GE, and RQ showed a positive influence on GDP_{growth} , whereas CC showed an adverse influence on GDP_{growth} . Additionally, the second panel was handled similarly; however, the results offer a different image than the first panel. To analyze the situation more comprehensively in the instance of SEE6, RL resulted in having a significant and adverse influence on GDP_{growth} , which result is opposite to the results of EU15. Continuing more thoroughly, GE has positive effects which finding is consistent with the EU15 results. The RQ parameter, within the SEE6 scenario, has demonstrated results with a statistically important adverse influence on GDP_{growth} . This reality has been consistently stressed in the reports of the EU and the US State Department. A completely unexpected result, within the SEE6 instance, CC has influenced GDP_{growth} with a significant positive effect.

Therefore, based on the outcomes of this research, several recommendations and policy implications can be considered, summarized below. Firstly, our outcomes indicate that the RL is an essential component that influences GDP_{growth} . The might, as mentioned earlier, indicate that its appropriate performance has a positive influence, as in the instance of EU15, whereas a lack of adequate performance is reflected with a negative influence, as in the instance of SEE6. Hence, the RL must be appropriate throughout all levels of government to earn the trust of each stakeholder. Secondly, to improve the government's effectiveness, it is required to carry out the reforms and be applicable because it is highlighted for our consideration as a significant factor in GDP_{growth} . Thirdly, despite multiple attempts to overcome CC, additional initiatives and commitments are still needed to eliminate this phenomenon, which is regarded as a cancer of the economy.

Finally, from the perspective of economic policy measures, the countries' governments should be more proactive in their creation, which should promote the formation of human capital, fixed capital, the promotion of foreign investments, and the implementation of these policies suitably and adequately. Finally, as the overall conclusion is that the research did not explore these parameters in the long term, researchers in the future can take into consideration their treatment in conjunction with additional economic modeling techniques, as well as the inclusion of certain other macroeconomic factors to explore their impact on GDP_{growth} .

CRediT AUTHOR STATEMENT

Esat A. Durguti: conceptualization, methodology, software, original draft preparation, and supervision. **Avni H. Alidemaj:** conceptualization, data curation, writing, reviewing, and editing. **Anatolijs Krivins:** visualization, investigation, writing, and validation.

All authors have read and agreed to the published version of the article.

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EXAMINING THE GAP BETWEEN EU FUNDAMENTAL VALUES IN THEORY AND PRACTICE: A CASE STUDY OF MACEDONIA'S JOURNEY TOWARD EU ACCESSION¹

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Abstract: *The objective of this paper is to assess the gap between the EU's commitment to its values and the fairness of its accession process, in particular the Macedonian journey to the EU, which is not only contradictory to the EU's core values but also contradictory to the principle of equal rights and self-determination. For this purpose, the methodology consists of conducting qualitative analysis based on two bilateral agreements and analyzing the evolution of EU requirements and their implications. The paper argues that rather than enforcing the Copenhagen criteria and making the country's pre-accession progress contingent on the strengthening of the rule of law, the EU has expended enormous effort in what was essentially a political bilateral dispute between states, with the resolution of the dispute to be replaced as a pre-accession criterion. The paper concludes that the EU should return to its fundamental values and prioritize merit-based criteria in the enlargement process, not a politically based decision.*

Keywords: *International Law; Rule of Law; EU Fundamental Values; Bilateral Disputes; EU Enlargement*

INTRODUCTION

The rule of law is a moral imperative for all societies. At the core of the rule of law is that any exercise of power should be subject to the law: "the rule of law, not men". Dicey set out the first modern definition of the rule of law. He defined it as three "kindred conceptions" that a rule of law state should uphold: a government limited by law, equality under the law for all citizens, and the protection of human and civil rights (Dicey 1914).

This idea became especially prominent outside the limits of "traditionally" democratic states due to the recent wave of democratization worldwide, including in Central and Eastern Europe. The "promotion of the Rule of Law" has gained prominence in international organizations dealing with emerging and transitional nations. From this angle, it is not surprising that it was added as an independent element to the Copenhagen political criteria and that the Commission had to consider it during the pre-accession process. On a worldwide scale, the EU fits into the broader global process of "exporting the rule of law" very effectively. According to Koen Lenaerts, President of the European Union's Court of Justice, the rule of law has become part of the EU's "*raison d'être*" or European DNA (Reynders 2023, 1).

¹ In this paper, the author will use the name "Republic of Macedonia" or simply "Macedonia" when referring to the country.

The united Europe was built on a dream that became a reality. A dream that Jean Monnet and Robert Schuman had to bring Europeans together. The Schuman Declaration is a turning point in the history of Europe. The declaration includes objectives like striving for peace, overcoming national rivalries, accomplishing mutual solidarity, and a blueprint for a closer integration of the Member States.

The European Union is founded on shared principles of democracy, the rule of law, and fundamental rights. This has been enshrined in Article 2 of the Treaty on European Union, which lists “respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society where pluralism, non-discrimination, tolerance, justice, solidarity, and equality between women and men prevail” as the shared values in which the Union is rooted. While Member States accepted the commitment to uphold European principles in theory, the level of adherence to these values in practice is far more challenging. This is especially evident in the debates and choices surrounding the enlargement process. On the other hand, future Member States are scrutinized for their adherence to these ideals before joining the Union.

Before joining the EU, all new Member States must adhere to the EU’s fundamental values, as determined by the so-called “Copenhagen criteria”. Thus, the fundamental Treaty provision governing EU expansion, Article 49(1) TEU, states that “[a]ny European State that respects the values referred to in Article 2 [TEU] and is “committed to promoting them may apply to become a member of the Union”. In its relations with the rest of the world, the Union is required to “uphold and promote its values” as well as “contribute to peace, security (...) as well as the strict observance and development of international law, including respect for the principles of the United Nations Charter”.

Democracy and the rule of law are among the fundamental values upon which European integration is based. Even earlier, the rule of law is mentioned in the TEU’s Preamble, which states that the EU is inspired “by the cultural, religious, and humanistic inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality, and the rule of law”. Similarly, the Preamble of the EU Charter of Fundamental Rights states that “the Union is founded on democratic and legal principles”.

Following the ratification of the TEU, the European Commission emphasized that adherence to the rule of law is “the backbone of any modern constitutional democracy” and that adherence to the rule of law is a prerequisite for upholding all rights and obligations derived from treaties and international law.

METHODOLOGY AND LITERATURE REVIEW

The paper discusses and analyzes fundamental principles of international law and basic European values enshrined in the Treaty on European Union (TEU). The study will examine and interpret the implementation of the enlargement condition and the over-politized way of settling bilateral disputes among candidate countries. The research, law documents of the European Commission, and European integration literature, such as books, journals, and articles,

will be used to analyze the EU's approach towards the accession of Western Balkan countries and evaluate whether there is consistency in upholding EU principles. By examining this issue, we can gain insight into the EU's commitment to its values and the fairness of its accession process.

For years, many researchers and academics have focused on enlargement policy and the accession negotiations with the new Member States, in our case, the Macedonian path to the European Union. For example, in the policy brief: "EU-North Macedonia Accession Negotiations: The Implications of the Bulgarian Conditions", Malinka Ristevska Jordanova and Simonida Kacarska analyze the conditions the Bulgarian government has set forward given the preparation of the negotiating framework and the first intergovernmental conference between the EU and the Republic of North Macedonia and their possible impact and the options for addressing these new challenges for the process of accession of North Macedonia to the EU, focusing on the forthcoming EU negotiating framework in line with the new enlargement methodology, where conditionality framework is a condition for the entire accession process (Risteska and Kacarska 2020, 1). In the article published in *Politico*, titled "EU's two-faced 'values'", the author Hans Kundnani argues that "beyond its usual rhetoric, the EU is doing very little to try to uphold the international rule of law outside its borders. In other words, Europeans must live by these values rather than proclaim them. The EU's founding treaty claims it "is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights". But the bloc is pretty inconsistent in the way it promotes these values beyond its external borders" (Politico 2019). Ana-Maria Andreea Anghelescu, in the paper "Views on the Future of Europe from the EU's Neighbouring Countries" describes the road to EU as a "marathon where the finish line is constantly being moved forward, a marathon in which every obstacle is slowing us down and every encouragement is accelerating us forward" (Anghelescu 2021). Elena Bashkeska in her paper "EU Enlargement in Disregard of the Rule of Law: A Way Forward Following the Unsuccessful Dispute Settlement Between Croatia and Slovenia and the Name Change of Macedonia" touches upon the "disrespect of the fundamental principle of sovereign equality of states in the EU enlargement process and particularly with regard to settlement of bilateral disputes, which has become an important accession condition outside the Copenhagen criteria, where almost naturally undermine EU values and especially the rule of law principle" (Basheska 2022, 222). These and many more authors discuss certain aspects of this topic.

SOVEREIGN EQUALITY OF STATES AND HUMAN RIGHTS THROUGH THE PRISM OF INTERNATIONAL LAW NORMS

The main principles of international law norms include respect for human rights and fundamental freedoms and the equality of nations. According to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (1970):

The sovereign equality of states implies their judicial equality, the rights inherent in their full sovereignty, a duty to respect the personality of other states, the inviolability of territorial integrity, and the political independence of state to

freely choose and develop their political, social, economic and cultural systems, and a duty to comply fully and in good faith with their international obligations and to live in peace with other states and a duty not to intervene in matters within the domestic jurisdiction of any state, for any reason whatever, in the internal or external affairs of any other state.

When we talk about equality, recognized as a right of states, I believe that the most crystallized definition we can find is Article 4 of the Montevideo Convention on Rights and Duties of States, which states that: "States are judicially equal, enjoy the same rights, and have equal capacity in their exercise. The right of each one does not depend upon its power to assure its exercise but upon the simple fact of its existence as a person under international law (Vasileska 2021). According to the Encyclopaedia of Public International Law:

Territorial integrity and political independence are two fundamental aspects of state sovereignty that are traditionally intertwined with the fundamental principle of the prohibition of the threat or use of force and are widely recognized as independent principles of international law. The concept of territorial integrity refers to the physical and demographic resources that lay inside the - State's territory (land, sea, and airspace) and are delimited by the State's frontiers and - boundaries. Political independence refers to the non-material aspects of state sovereignty and authority, such as the freedom of political decision-making and the direction of a state's domestic and foreign affairs (Bernhardt 1981, 481).

The sovereign equality of states, which allows states to exercise their sovereign rights freely and requires them to consider the sovereign rights of other states (Charter of the United Nations 1945), is the most fundamental concept of the UN Charter, if not *jus cogens*. Regarding the resolution of bilateral disputes, which has grown to be a crucial criterion for admission outside of the Copenhagen criteria, disregarding the fundamental principle of sovereign equality of states would almost inevitably undermine EU values, particularly the rule of law principle.

According to Bashkeska, this sets the way for the enlargement process to be over-politicized, rendering the EU's enlargement statute ineffective and weakening both the transformative effect of the pre-accession process and the EU's values (Bashkeska 2022, 222). In such situations, the focus of candidate countries is not so much on implementing necessary changes as it is on overcoming political obstacles and hurdles to earn the support of EU Member States or please the Union—an aspect that EU institutions have frequently missed.

"KEEP YOUR FRIENDS CLOSE AND YOUR ENEMIES EVEN CLOSER": BILATERAL DISPUTE WITH THE NEXT-DOOR NEIGHBOUR

"If angels were to govern men", James Madison said, "neither external nor internal controls on government would be necessary". History has shown that EU governments are no exception: they repeatedly breach fundamental EU values. It occurs in individual cases or in a systemic manner, which may result in a major and continuous violation of EU values, which may even lead to the overthrow of a rule of law policy (Kochenov et al. 2016).

The EU's enlargement to the Western Balkans epitomizes an imperfect and highly politicized enlargement process. The Macedonian name saga lasted over three decades before being settled under significant international pressure, if not actual US and EU intervention. The story of the name dispute settlement is not one of which the EU should be particularly proud (Kochenov et al. 2016). It is the story of politics triumphing over the rule of law during the enlargement process and the depreciation of EU values.²

The "historic" agreement between the Hellenic Republic and the Republic of Macedonia opened Pandora's box for Macedonia's EU accession process and that Prespa was just an illusion. Why an illusion? Everyone thought that by signing the Final Agreement for the settlement of the differences as described in the United Nations Security Council resolutions 817 (1993) and 845 (1993), the termination of the Interim Accord of 1995, and the establishment of a strategic partnership between the Parties, in short, the Prespa Agreement would open the gates for Macedonia toward the European perspective. Even the Greek Deputy Prime Minister Evangelos Venizelos, in 2014, arriving in a double capacity both as an EU official (as president of the Council of the EU) and a Greek official, added that he was under the impression that his Macedonian interlocutors "understand very well that Greece is the real gateway towards the European perspective and the Euro-Atlantic destiny of this country" (Marusic 2014).

The vicious circle of continuous demands imposed on Macedonia began with the Conclusions of the Declaration on Yugoslavia by the European Community on 16 December 1991, precisely 100 days after the referendum for independence on 8 September 1991, when the people of Macedonia chose to live in an independent state with its natural and rightly sovereign name selected. The last part of the Conclusions states:

The Community and its Member States also require a Yugoslav Republic to commit itself, before recognition, to adopt constitutional and political guarantees ensuring that it has no territorial claims towards a neighboring Community State and that it will conduct no hostile propaganda activities versus a neighboring Community State, including the use of a denomination which implies territorial claims (European Community: Declaration on Yugoslavia 1991).

Greece objected to the existence of Macedonia with such a name even before it became an independent state. Greek opposition to the very existence of the Macedonian nation is concealed by their challenge to the name "Republic of Macedonia".

Macedonia's transition was characterized by the standard political and economic changes many post-socialist nations experienced and by particular difficulties related to the so-called name issue. The request to join the UN was made in July 1992 but wasn't accepted until April 1993.

Following the General Assembly's approval and the Security Council's recommendation, the Republic of Macedonia was admitted to the UN in 1993 under the provisional name "the Former Yugoslav Republic of Macedonia" until a mutually agreed solution was reached.

² See more on the illegality of the Prespa Agreement and violations of international law: Vasileska, Larisa: Ensuring International Respect for The Fundamental Human Right of People to Self-Determination (2018); Vasileska, Larisa: Recognition of Human Rights and Equality of Nations in International Law (2021).

In 1995, the two countries signed the Interim Accord, which imposed a binding “Code of Conduct”. The two sides started talks to resolve the name dispute under the Secretary General of the United Nations auspices, based on Article 5 of the Interim Accord, establishing a legally binding “Code of Conduct”. Based on Article 5 of the Interim Accord, the two parties began negotiations under the auspices of the Secretary General of the United Nations to reach an agreement on the name issue.

On 17 June 2018, Foreign Ministers N. Kotzias and N. Dimitrov signed in Prespa, in the presence of the Prime Ministers of the two countries, Tsipras and Zaev, and in the presence of the Personal Envoy of the UN Secretary-General Mr. Nimetz, who acted as witness, the “Final Agreement for the settlement of the differences as described in the UN Security Council resolutions 817 (1993) and 845 (1993), the termination of the Interim Accord of 1995 and the establishment of a Strategic Partnership between the two Parties”, which entered into force on 12.02.2019. This international agreement creates a legal obligation for the Republic of Macedonia to change its constitutional name from “Republic of Macedonia” to “Republic of North Macedonia,” setting a precedent in international law (Saveski 2020, 1193).

Two years after signing the Prespa Agreement, former Personal Envoy of the Secretary-General of the United Nations, Matthew Nimetz, in 2020, in the article “The Macedonian ‘Name’ Dispute: The Macedonian Question—Resolved?” wrote, and here we will quote his words, “the Macedonian ‘name’ dispute was, to most outsiders who somehow were faced with trying to understand it, certainly one of the more unusual international confrontations (Nimetz 2020, 205). The “‘Macedonian Question’ represents a strategic, multi-dimensional controversy that has been on the European agenda since the 19th century: although now generally viewed as a problem largely solved by the Prespa Agreement, there is no guarantee that the naming controversy will not fester in the region, ready to cause trouble in the future” (Nimetz 2020, 205). In every respect, “the Prespa Agreement is a work in progress. Whether it is a success or not, whether Greece and North Macedonia have truly resolved their differences, and whether the Macedonian Question of the 1880s has finally been resolved will be for future generations to determine” (Nimetz 2020, 214).

The Prespa Agreement did not, as anticipated, instantly pave the way for talks on North Macedonia’s accession. Following Greece’s long veto over the name issue, it is now Bulgaria that says “no” over an issue that is no less controversial and challenging for most people to understand: the historical heritage and the nature of the Macedonian identity and language. After years of “broken promises diplomacy” (Jones and Anghel 2023, 6) that led to the loss of credibility in the enlargement process, France delivered a draft proposal to Macedonian and Bulgarian authorities aimed at removing Bulgaria’s veto on Macedonia’s EU accession talks. According to the so-called “French proposal”, Bulgaria’s demands will be incorporated into Macedonia’s negotiation framework with the EU.

The Bulgarian position was formalized in two documents: the government’s Framework Position of 9 October 2019 and the parliamentary Declaration adopted with the support of all parliamentary parties the following day, 10 October 2019.

The position supports the opening of accession negotiations. Still, it imposes new conditions on the Republic of North Macedonia, claiming they derive from the 2017 Treaty on Friendship, Good Neighbourly Relations, and Cooperation between the Republic of Macedonia

and the Republic of Bulgaria. The Framework Position includes detailed conditions for accession, separately for the first and second intergovernmental conferences and chapters 35 and 10. The Bulgarian Government's Statement, annexed to the March 2020 Council conclusions, focuses on general conditions, the conditions for the first intergovernmental conference, and Chapter 35 (Kacarska and Jordanova 2020, 5).

To be more precise, here I am referring to the "Statement by the Republic of Bulgaria with regard to the adoption of the Council Conclusions on Enlargement and Stabilisation and Association Process - The Republic of North Macedonia and the Republic of Albania" from 25 March 2020, which clearly defines the Bulgarian stance regarding what is expected from the Macedonian counterpart to continue the enlargement process of the Republic of North Macedonia to the EU.³⁴

The recent second French-sponsored agreement with Bulgaria shows that Sofia now exercises disproportionate influence over Macedonian's future. And with the new bilateral dispute, new questions arise: Isn't Europe meant to be a continent that values linguistic and cultural variety and treats all countries with respect and decency? Isn't the question of who you are and what language you speak a question only for the people's concern, or should it be a condition for EU accession?

When we analyze the Bulgarian demands, they demonstrate that they either significantly deviate from the essence of the articles of the 2017 Treaty on Friendship, Good Neighbourly Relations and Cooperation between the Republic of Macedonia and the Republic of Bulgaria or add up new conditions that have no grounding in the treaty. Bulgaria chose to use its newly acquired position as an EU Member State to coerce and impose its interpretation of the treaty as a basis for endorsing its national interests, or rather, its current perception and understanding of those interests (Kacarska and Jordanova 2020, 10).

Such an interpretation and possible application of the principle of good neighborliness is contrary to international law—the UN Charter, which bases friendly relations between nations on the principles of equal rights and peoples' self-determination, and the Declaration on Principles of International Law on Friendly Relations and Cooperation among States in accordance with the United Nations Charter, which establishes the principles of good neighborliness.

Article 3 of TEU states that:

In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to protecting its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity, and mutual respect among peoples, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter (Official Journal of the European Union C 326/17).

³ More on the Council Conclusions on Enlargement and Stabilisation and Association Process the Republic of North Macedonia and the Republic of Albania: <https://data.consilium.europa.eu/doc/document/CM-1946-2020-INIT/en/pdf?fbclid=IwAR09dx4Hwjel1ug8vIH2v0qdb3yGXAe8tOQRNiPipKdWMzMOuRXRmBlyRts>

⁴ More on the Council Conclusions on Enlargement and Stabilisation and Association Process - Albania and the Republic of North Macedonia: <https://www.consilium.europa.eu/en/press/press-releases/2020/03/25/council-conclusions-on-enlargement-and-stabilisation-and-association-process/?fbclid=IwAR0JF-YLbH4EgXjOntx1EbuKf-5GdJrIM5NYXBxTJuJqIP0J2cFuoMw62es>

Article 2(1)-(5) of the UN Charter and the Universal Declaration on Human Rights, and the International pacts on civil and political, economic, social, and cultural rights guarantee human dignity, self-determination, and the right to sovereign equality of states. The Preamble of the UN Charter places the self-determination principle firmly in the context of international security: the denial of self-determination is described as a threat to peace and security, and the exercise of self-determination as the basis of peaceful international relations:

By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social, and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter (Danspeckgruber and Gardner, Encyclopedia Princetoniensis).

The chosen name of the State is a fundamental, inherent element of the right to self-determination, which is the foundation of the United Nations and the European Union. Identity issues cannot be the subject of negotiations or international agreements. It is the right of every nation to decide their own identity. The adjective before Macedonia's new name now clearly shows the consequences of the Prespa Agreement signed by the Macedonians and Hellenic Republic foreign ministers, and that is denying the Macedonian identity, creating a new nation, a new country with a new history.

According to international law, all states have the same rights and capacity to exercise those rights. The protection of territorial integrity and the political independence of states to freely choose and develop their political, social, economic, and cultural systems are all implied by the sovereign equality of states, as is their judicial equality, the rights inherent in their full sovereignty, a duty to respect other states' identities, the inviolability of their territorial integrity, and their obligation to comply fully and in good faith with their international commitments and to coexist in peace with other states.

A violation of that principle beyond the degree of tolerance would also violate the concept of good neighborliness. This will be explored in the course of this paper.

Not only does the current enlargement framework undermine the rule of law as a fundamental component of the enlargement regulation and further deteriorate the rule of law in the involved candidate countries, but it is also ineffective because it includes the somewhat subjective, imprecise, vague, and unverifiable condition for settlement of bilateral disputes.

Karl Marx said that "history repeats itself, first as a tragedy, second as a farce" (Bhaskar 2023). In the Macedonian case, this is true, and this time with the so-called "French proposal" and the annual reports on the implementation of the agreement and protocols with Bulgaria, which are now part of the Negotiating Framework for the accession to the EU.

WHEN CONDITIONALITY BECOMES BLACKMAIL

Macedonia's path to membership in the European Union is a complex rapprochement process that has evolved into a frustrating obstacle course that resembles an odyssey and continues to be a never-ending agony.

Macedonian society is once again at a critical juncture in its recent history. Eighteen years after acquiring candidate status, there is eventually a concrete possibility for an active start of its negotiations for EU membership. However, for the process to begin, the so-called "French proposal" must be followed to resolve differences with Bulgaria, a Member State that has repeatedly opposed Macedonia's accession to the Union, and the actual negotiations with the EU are supposed to begin only when Macedonia includes the Bulgarian minority in its Constitution. But including Bulgarians in the Macedonian Constitution is not the only requirement; there are other list of demands that Macedonia needs to "swallow",⁵ relating to the history, identity, and language of the country before accession negotiations could start, ignoring the fact that such issues have never been part of the criteria for membership of the EU.

As former EU Ambassador to Macedonia, Erwan Fouéré (2023) wrote: "The "French proposal 'has left the Macedonian government with a terrible choice – 'damned if we do, damned if we don't'. All of these 'conditions' will be discussed and explained".

The official state policy of Bulgaria, one of the Member States of the EU, continues to be the outright denial of the existence of the Macedonian minority in Bulgaria, as well as of Macedonian identity, language, culture, and history. According to Sofia, the Macedonian language is Bulgarian by another name. In addition to language, the Bulgarian government has raised the issue of history. It says that there is no Macedonian nation but that Communist Yugoslavia created it as an "artificial" nation.

From 1963 onwards, denying the existence of the Macedonian minority has been an official state policy and doctrine. In February 2007, less than two months after Bulgaria joined the EU, the Supreme Court upheld lower court denials of the party's registration. The European Commission reminded Bulgaria in September 2007 of its commitment to respect the ECtHR judgment and the EU Directive that all EU citizens are protected from racial or ethnic discrimination. Justice Commissioner Franco Frattini announced that the Commission would investigate whether the Directive had been appropriately integrated into Bulgarian legislation (Minority Rights Group 2024).

At the beginning of 2022, 11 pending Macedonian cases were at the European Court of Human Rights (ECtHR). Nine cases were related to the refusal to register Macedonian associations in Bulgaria. Three relate to OMO Ilinden, four concern the Association of Repressed Macedonians, one to the Macedonian Club for Ethnic Tolerance in the Republic of Bulgaria, and one to the civil initiative to recognize the Macedonian national minority. To this day, the party is not recognized, and members have accused authorities of harassing, intimidating, and detaining them.

⁵Here I am using the words of the Dutch expert on the Western Balkans, Hans van den Berg and his tweet on the "French" proposal: "Yes, the French proposal stinks but MK just has to swallow it like all the other neighbouring nationalist narratives/demands": https://twitter.com/bipdirector/status/1623685094748585987?ref_src=twsrc%5Etfw

Other demands imposed by Bulgaria included Macedonia renouncing any claim to the existence of a Macedonian minority in Bulgaria, despite repeated decisions by the European Court of Human Rights in Strasbourg urging Bulgaria to recognize the existence of Macedonian minority groups in Bulgaria, which the country has studiously ignored (The number of ethnic Macedonians living in Bulgaria is a source of contention, with indications of harassment and intimidation, according to Minority Rights Group International) (Minority Rights Group 2024).

Legal professionals from within the country, many European agencies and authorities, and non-governmental groups focusing on monitoring the legal sector agree that Bulgaria is violating the fundamentals of international law. According to all previous rankings, Bulgaria remains at the top of the Council of Europe Member States list regarding the number of unenforced judgments from the European Court of Human Rights (ECtHR). This is additional evidence that official Sofia completely disregards international law, undermining its value and devaluing the EU. Bulgaria persistently refuses to implement 16 judgments of the European Court of Human Rights regarding the registration of Macedonian associations in this country; thus, the number of cases in which the Council of Europe points the finger at Sofia for disregarding the judgments of the European Court of Human Rights rose to a total of 182 (Council of Europe, Department for the Execution of Judgments of the European Court of Human Rights 2023).

When asked on the issues of implementing ECHR judgments, the 14th Secretary General of the Council of Europe, Marija Pejcinović Burić, stated and urged EU Member States to show increased political will to implement judgments from the European Court of Human Rights and to improve their capacity for doing so: "Complying with court rulings is essential to the rule of law" (Council of Europe 2023).

This does not seem to apply to Bulgaria, and Europe continues to be too tolerant and permissive towards this kind of Bulgarian behavior, which directly harms the reputation of the EU itself.

The EU is founded on the recognition of diversity and uniqueness. This principle of respecting diverse identities fosters an environment of mutual understanding and cooperation among Member States. It promotes the idea that every nation's history and national identity should be acknowledged and valued, leading to a stronger sense of unity within the Union. Giving diverse identities respect is a critical foundation of the Union because it allows members to collaborate without pushing their interpretations of the past or national identity on one another. Because the EU is based on consensus, no single state or nation can force its historical narrative on others (Bieber 2020). However, according to EU Negotiating Framework Article 5 of the principles governing the negotiations, the interpretation of history is one of the conditions in the accession negotiations (Conference on Accession to the European Union - North Macedonia, General EU Position).

What started as a bilateral dispute between two neighboring countries and a proposal of one country member of the European Union is now the proposal for the general EU position.⁶

⁶ The general EU position is in "the line with the Council conclusions of 25 March 2020, endorsed by the members of the European Council on 26 March 2020, the Council [approved in June 2022] a general Negotiating Framework, taking into account the aforementioned conclusions, as well as other relevant Council conclusions, the renewed consensus on enlargement, and established practice".

Bilateral issues got mixed up with the Copenhagen criteria. They became a condition on the way to EU membership. Attention instead of reforms, justice, rule of law, functional institutions, and free media went to the topics imposed by Bulgaria.

In this period of the so-called accession talks, there were a lot of controversial statements by a high official from the European Union asking us to amend our Constitution to advance fundamental rights and further reinforce our commitment to the values that mirror the EU's motto: "United in diversity". With this, they made it clear that the condition for the official start of the negotiation process is the inclusion of the Bulgarians (Bulgarian minority) in the Constitution. In international law, this is called direct interference in the internal affairs of another state, and it is a violation of the latter's sovereignty. Such intervention is prohibited by the United Nations Charter (Article 2.7), which states that states should not "intervene in matters to preserve the independence of weaker states against the interventions and pressures of more powerful ones (...) interference or attempted threat against the personality of the State or against its political, economic and cultural elements".

Before the proposal's acceptance in the Macedonian Parliament, European Commission President Ursula Von der Leyen visited Skopje on 14 July 2022 and spoke at a session of the national legislature, where she urged MPs to accept the compromise offered by France.

There is "no doubt that the Macedonian language is your language. We fully respect that, and that is why in the 'French proposal', the naming of the language is 'Macedonian' without any criteria from the EU", said Ursula Von Der Leyen (Samardjiev 2022). What is interesting here is the fact that on 19 July 2022, the Bulgarian government issued a unilateral statement reminding the EU Member States that it does not recognize the existence of a Macedonian language, which it considers merely a regional written form of the Bulgarian language.

This directly violates the fundamental values upon which the European Union is founded. The articles of the Charter of Fundamental Rights of the EU, adopted in 2000 and made legally binding by the Treaty of Lisbon, where it is prohibited discrimination on grounds of language (Article 21) and places an obligation on the Union to respect linguistic diversity (Article 22). In an EU based on the motto "United in diversity", languages are the most direct expression of our culture. Linguistic diversity "is a reality, observance of which is a fundamental value of the EU. Article 3 of the Treaty on European Union (TEU) states that the Union shall respect its rich cultural and linguistic diversity" (Fact Sheets on the European Union: Language Policy).

Von Der Leyen added, "The proposal also respects your national identity. I assure you that bilateral issues, such as the interpretation of history, are not conditions in the accession negotiations" (Samardjiev 2022). Just a little clarification: Article 12 of the Treaty on Good Neighbourly Relations with Bulgaria from 2017, and as of 25 March 2020, this requirement is an official position. It is part of the negotiating framework for the EU accession, which refers to the implementation of the Joint Multidisciplinary Expert Commission on Historical and Educational Issues, which should reach agreement on the key figures and events from "our" common history up to 1944, on specific dates for the joint commemoration of those events and figures on which agreement has been reached; and replacement of information signs and other indications, including those on historical and cultural monuments, in pursuance of the agreed texts. And this time, the condition is history.

As mentioned before, the general and official EU position is in “line with the Council conclusions of 25 March 2020, endorsed by the members of the European Council”. In continuation, we will explain the conclusions reached.

The Negotiating Framework and the Principles governing the negotiations (the accession negotiations) will be based on:

Article 49 of the Treaty on European Union (TEU) and, accordingly, take into account all relevant European Council conclusions, as well as the Joint Statement of the members of the European Council of March 2020 endorsing the enhanced enlargement methodology, the renewed consensus on enlargement agreed by the December 2006 European Council and the conclusions of the 1993 European Council in Copenhagen, the pace of enlargement must take into account the Union’s capacity to absorb new members, which is an important consideration in the general interest of both the Union and North Macedonia. Negotiations are opened on the basis that North Macedonia respects and is committed to promoting the values on which the Union is founded, referred to in Article 2 TEU, namely the respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, including the rights of persons belonging to minorities. Negotiations are also opened on the basis that North Macedonia has achieved a high degree of compliance with the membership criteria, notably the political criteria set by the Copenhagen European Council in 1993 and the Stabilisation and Association Process conditionality established by the Council in 1997. In view of the above, North Macedonia’s commitment to good neighbourly relations and closer regional cooperation, including through achieving tangible results and implementing in good faith bilateral agreements, including the Prespa Agreement with Greece and the Treaty on Good Neighbourly Relations with Bulgaria of 2017 as well as the annual reviews and measures for its effective implementation under its article 12 (General EU position).⁷

“Concrete results” of “definitive agreement” require Macedonian historians to admit that their predecessors and heroes leading their political movements before 1944 were Bulgarians working for Bulgarian unity. While “implementation” entails ensuring that once historians “agree” on this Bulgarian version of events, governments ensure that this is the only version of history people learn or hear about.

Bulgaria appears to have viewed it primarily as an exercise for Macedonia to reexamine its historical narrative, but not its own, including the controversial Bulgarian occupation of Macedonia during World War II and Bulgaria’s alliance with Nazi Germany and the deportation of the Jewish populations to their deaths in the Nazi extermination camp at Treblinka.

By insisting on its version of the turbulent events in the Western Balkan region during and after the two World Wars, Bulgaria is demanding that Macedonian history textbooks remove any reference to Bulgaria as the “fascist occupier” during the Second World War,

⁷ Article 12 of the Treaty on Good Neighbourly Relations with Bulgaria from 2017, refers to the implementation of the Joint Multidisciplinary Expert Commission on Historical and Educational Issues, that should reach agreement on the key figures and events from “our” common history up to 1944, that are now part of the Negotiating Framework.

Bulgarian negotiators reflect a reluctance by Bulgaria's political establishment to confront its troubled history, particularly its role during the Second World War (Fouéré 2023).

There is little doubt that the necessity to overcome the veto power held by Europe's single Member States and extend majority voting to all areas in which the EU has competence is a critical issue at the heart of the debate on the future of European integration. A proposition that all EU Member States vote yes or agree with can be overruled by just one country using its veto and holding a Member State hostage, regardless of how an entire neighboring nation feels about it, should be abolished.

For many politicians in Macedonia, a country that started its European journey after Slovenia and before Croatia and one of the most pro-European countries, Bulgaria as one of the Member States in the EU, questioning the country's right to build its own identity and history has only fuelled resentment.

The current deadlock situation, sparked by the "Friendship treaty", certainly didn't contribute to maintaining good neighborly relations but sparked hatred and nationalism, and it fuelled a situation with the potential to endanger peace and stability in the region. In addition, the conflict between Sofia and Skopje may create a risky precedent for Member States and candidate countries concerning the enlargement process. This policy might favor Member States over applicant nations in various conflicts. This would imply that these matters, rather than crucial EU norms like the rule of law and the combat of corruption, might be obligations.

Even though the majority of Macedonian citizens are against the official EU "indecent" proposal, which goes against all the founding principles and EU values by which the European Union was built, and not even sure if there will be new vetoes by Bulgaria or even other Member States of the EU, no one can be sure at this moment, because we haven't even started with the accession talks, nor opened one of the required Chapters, thirty-five in particular, that the Macedonian government, with a lot of "European pressure", is pushing for the constitutional changes in the parliament, not once considering the national interests, the interest of the Macedonian nation, or Macedonian sovereignty.

Also, we must consider the other side when we analyze the situation in the Western Balkan countries, which are now focused solely on achieving these accession criteria. We must consider the potential challenges and obstacles that these countries may face in the process. When the priority of one country is only finding a solution to the bilateral dispute, it neglects the upholding of other conditions, fundamental clusters of negotiating chapters for the EU accession: creating a more democratic society based on the rule of law, with functioning democratic institutions, public administration reform, impartiality of the judiciary and fight against corruption.

Evidence of this notion is continuous EU Strategies and reports for the Western Balkans. In the latest one, the European Commission identified state capture as a significant impediment to deep reforms in the Western Balkans, claiming that "the countries show clear elements of state capture, including links with organized crime and corruption at all levels of government and administration, as well as a strong entanglement of public and private interests" (Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions 2023 Communication on EU enlargement policy). EU conditionality for the Western Balkan countries has shown that it fails to

confront state capture effectively and contributes to the consolidation of such processes by allowing informal networks to tighten their hold on power.

CONCLUSION

The motto of the European Union is “United in Diversity”. It refers to Europe, its values, and its cultural, religious, and humanist heritage. This phrase clearly explains both the notion of unity and diversity. The concepts expressing unity are not new. They recall and appropriately take up the formula of ‘ever closer union’ included in the Preamble of the Treaty on European Union. The path towards ever closer ties is gradual and proceeds—as heralded right from the Schuman Declaration of 9 May 1950—from concrete achievements that create actual solidarity. However, “unity” is not an end but has a specific goal: forging a “common destiny”. The notion of “diversity” lies in the strong call for people to be proud of their national identity and history and respect everyone’s rights.

Article 49 of the TEU states that any European state can join the EU if it follows the Copenhagen criteria, respects fundamental freedoms and human and minority rights, and upholds the rule of law. These criteria are based on Articles 49 and 6(1) of the TEU. The decision to approve a framework for a third country’s candidacy to join the Union is based on material criteria rather than the individual will of EU Member States.

The paper argues that the enlargement process for the Western Balkan countries has frequently been politicized by EU Member States, which have shown a lack of neutrality in the two cases presented in the paper. The treatment of the Republic of Macedonia is the most flagrant example of the accession process turning into politics. According to the previous enlargement procedures, good neighborliness has been implemented outside of its legal framework in situations of power imbalance, benefiting Member State politics rather than the interests of justice.

The supremacy of bilaterally imposed conditions, which have nothing to do with the *acquis* or international standards, will threaten the principle of predictability and positive and negative conditionality. The Bulgarian demands now incorporated in the negotiating framework are contrary to the methodology declared by the Union itself, which is that all countries must abstain from misusing outstanding issues in the EU accession process. Compliance with membership responsibilities and set standards is a must, not a choice, for EU candidate countries and any other member of these bodies, including all EU Member States.

The paper argues that although the EU is theoretically a union of values, reality dictates otherwise. According to the treaties, current members must adhere to those values, and prospective members are to follow the same trend if they wish to accede to the EU. In this paper, we demonstrated that certain Member States fail to abide by the said values and that the other members of the European Union are ignoring those violations or lack the legal capacity to act effectively against non-compliance with the founding values set out in Article 2 of the TEU.

It’s reasonable to argue that Macedonia has come to symbolize the least favorable aspect of the EU’s enlargement strategy. During the past 20 years, politics rather than policy have largely shaped Macedonia’s EU integration process.

Respect for legal norms and standards and the return of international law to the pedestal of societal values must be imperative for humanity today. Otherwise, the only norm by which the world will be governed will be force, which introduces chaos and anarchy.

In conclusion, the EU must return to its fundamental tenets of EU values and the philosophical and political assumptions that guide them. In the case of the Western Balkan countries, the European Union should return to the Treaty of the European Union, particularly paragraph 6 of the Preamble, where it is emphasized that the EU will respect all countries' traditions, history, cultural identity, and national identity. Also, the Charter of Fundamental Rights of the EU guarantees national identity and dignity for every person and every nation and state. The EU should also refer to the right to self-determination derived from international law, the Charter of the United Nations, and the Covenant on Civil and Political Rights.

Nevertheless, it is essential that the EU, especially in times of uncertainty and in the current geopolitical context that the EU and the whole world are facing, rethinks and revitalizes its enlargement policies. The negotiation framework should consistently prioritize merit-based criteria, particularly those under the Cluster "Fundamentals", while avoiding conflicts arising from bilateral issues that could imperil them.

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EMPOWERING COMMUNITIES IN KOSOVO: THE VITAL ROLE OF LOCAL SELF-GOVERNMENT IN ADVANCING EDUCATION AND CURBING DEVIANT BEHAVIOR

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Abstract: *Local communities play an essential role in developing and organizing their lives for joint betterment. Local self-government, through local democratic mechanisms, involves the community as part of the public policies, showing the sign of the development of the local democracy. This research aims to analyze the communication and collaboration between the local government and local communities in Kosovo, focusing on their role in the development of education and the reduction of deviant behavior, intending to create a better social environment for the community. The research methodology employed for this paper is as follows: library research, qualitative research, and the analysis of the laws in power related to the topic. There will be field research working with two focus groups belonging to the municipality of Prishtina, considering their ethnic component. General results show that communities are still in the development and organization phase, whereas their participation in the process of public policies is still under the average level. Social audits can be mechanisms for development, organizing the community, and involvement in local government policies.*

Keywords: *Development; Communities; Local Self-Government; Local Democracy; Public Policies; Education; Deviant Behavior*

INTRODUCTION

Local self-government plays an essential role in offering public services to all citizens. It is considered the first step of cooperation between the citizens and the local government. According to the system in place, the government has regulated the structure and governing system, including the local one. However, local self-government "is the expression of society's democratization, of the realization basic political, social as well as economic rights that constitute the expression of aspirations of human rights which independently organize and govern their communities obligations within the premises they live and work" (Morina 2021). The term and concept of local government "primarily relate to exercising authoritative power within a specific territory. Local self-government can be viewed as the initial stage of democracy, as it is the primary avenue through which citizens can access public services" (Kamberi 2023).

In this regard, local self-government is a governing unit within a specific territory that aims to offer public services to all citizens. In Kosovo, based on the Law on Local Self-Government, which states, "the municipality is the basic unit of local self-government in the Republic of Kosovo, made up of a community of citizens of a specific territory defined by law and shall exercise all powers which are not explicitly reserved for the central institutions" (MLGA - Law No 03/L-040 on Local Self-Government 2008). A definition that is more or less the same

for the Law on Local Self-Government is found in North Macedonia, which highlights that “the municipality is part of local self-government, as a community of the citizens of a specific territory, defined by law, which through units and administration and public organized activities, enables fulfilling their rights as described by law” (Law on Local Self-Government 2001). Local self-government is synonymous with local government because local government structures are elected for a term to represent citizens through free voting and democratic elections, which are monitored by institutional mechanisms. The function of local government is closely connected to two main issues: a) offering of public services, and b) cooperation with local communities, representing them in higher level government institutions and enabling their participation in policy and decision making.

This leads to the understanding that the community as a whole or a group of people with shared objectives, the feeling of belonging as an identity, and depend on one another have their rights in conformity with the legislation to be represented following the public policies considered national interest. In fact, “in a democracy, having an elected government at the center and at the state level is not sufficient. It is also necessary that even at the local level, there should be an elected government to look after local affairs” (NCERT 2015). Likewise, as stated by Cobigo et al. (2016), “since ancient Greek philosophy, the view of community has evolved and changed with the evolution of human interactions and behaviors. Aristotle described the community as a compound of parts having functions and interests in common. However, in the 19th century, the German philosopher and sociologist Ferdinand Tönnies differentiated between community and society. According to Tönnies (1957), community is represented by individuals’ close social ties (e.g., family, friends, and neighbors). In contrast, society refers to abstract associations among individuals who do not share feelings and do not necessarily share space and time. In the 20th century, many authors have attempted to better define community. While analyzing these concepts, it is emphasized that “community today is characterized by some characteristics that qualify it as a community, including Physical proximity, shared, group, bounded, interaction, belonging, support, sustained, symbol, territory-free, process, diverse, tangible” (Cobigo et al. 2016, 188). By analyzing the relationship between local government and communities, in most cases, they have cooperation, which is also reflected in communities’ participation in important public policy processes. It may be destructive in some cases because of their criticisms of governance and the types of governance offered. In Kosovo, the relationship between the local government and the communities is regulated by law on local government and other by-laws that regulate this relationship, more precisely, the participation of communities in decision-making, their contribution, development, organization, and other vital issues related to communities. Besides other things, this paper aims to analyze the relationship between the local self-government and the communities, including the development and organization of the communities as an essential component of the local democracy. The research also focuses on the role of local communities in Kosovo’s municipalities’ development. Part of this research has research questions in the form of a hypothesis, such as: What is the role of local government concerning local communities? What is the participation of the community in the process of preparing public policies? What is the role of the community in the issues of education as an agent of education and socializing and in the reduction of deviant behavior?

LITERATURE REVIEW

Modern society's development has significantly impacted the development of democracy, religious pluralism, and cultural and social aspects. The notion of rights that sometimes back were unimaginable, in current times, we are witnessing them. Since establishing the UN organization after World War II, the European Union (EU) and other international organizations have contributed to developing international policies and instruments that would pressure governments to establish such policies as part of democratic enhancement. On the other hand, it would enhance civil societies' development through formal and informal groups, local communities, and other groups, which are seen as fundamental pillars of contemporary democracy. A significant segment in this regard is the local self-government and community development. Likewise, according to the Association of the Municipalities of Kosovo, when talking about the role of the local government concerning other segments of public life, this role is to "initiate and implement policies and practices which I) promote co-existence and peace in public, II) to make sure offering of public services effectively for all citizens regardless of their gender, sexual orientation, age, education and ethnicity., and III) create adequate conditions for communities to express, save and develop their identities" (AKK/AKM 2019). While analyzing the substantial role of the local government, particularly concerning the development of the communities, it can be said that this role, besides other aspects, empowers the concept of local democracy and indicates a country concerning international rights. Mykola Bondar provides a broad definition of local democracy. He defines it as a self-governing form:

Based on the unity of freedom and responsibility of the population at the place of residence of public authority, collective and individual rights of citizens to decide independently within the Constitution's and current legislation's limits. Direct livelihoods and the provision of municipal services are in the interests of the local community and individual citizens (Pankratova 2022).

Also, "local government is an institution, which deals with matters concerning the people living in the particular locality. It represents the microscopic interests of the locality leading to the broader concept of welfare and happiness of its people" (Sikander 2015).

That can be achieved when there is good communication between the local government and the local community by improving their position. However, many sociological theories have emphasized developing and organizing the community as crucial issues in the local authority's processes. Therefore, "the theory of community development is perhaps the most practical framework for social workers seeking lasting change for individuals and the communities and societies in which they live. It focuses on the centrality of oppressed people in the process of overcoming externally imposed social problems" (Tan 2009). The theory of social capital, which has in its focus also the development of the community, emphasizes that social capital is that set of resources intrinsic to social relations and includes trust, norms, and networks (Life can be more prosperous if there is trust among neighbors and others in the public and private sectors. In this regard, "the term social capital is currently categorized into the following types: (1) structural and cognitive forms, which are divided based on whether social capital involves socio-economic institutions and networks or relates to individual mood of mind; (2) macro (national),

also (regional and community), and micro (household or individual) levels, which are categorized based on the level of economic structure that social capital affects; (3) bonding, bridging, linking and bracing types, which are based on functions that social capital works inside one community or between several organizations and/or individuals in different communities" (Yokoyama 2006). This would lead to the understanding that human capital is among the most important, as it has social intentions, joint goals, the feeling of social and identity belonging, and belief in modern society. The development and enhancement of the community also empower the local government. Its development has been the focus point of discussion for many prominent scholars of different times, considering it the general social development. Sümer (2012), concerning the empowerment of social cohesion within the community, refers to the famous sociologist Ibn Khaldun (1406), who states:

There must be some factor, some incitement, for the desire for cooperation to exist on a larger scale among some human beings than among others. He calls this factor *asabiyya*, a word which he borrowed from classical usage and gave a new positive meaning. The group to which an individual feels most closely attached is his clan or tribe, the people with whom he shares a common descent. However, politically, *asabiyya* can also be shared by people not related to each other by blood ties but by long and close contact as group members (p. 252).

This concept has contemporary logic and focuses mainly on the group's feelings, for which the French sociologist Émile Durkheim (1917) has also spoken about social solidarity. This concept talks about the interaction with the community. The more the community is empowered, the more it can contribute to the decision and policy-making at the local level of governance. In Kosovo, local communities are still at the initial stage. However, there are initiatives for strengthening them and participating in the public processes at the local level, like public meetings, local consultancy and advisory meetings, meetings for budget division, and other committees and processes that are important for the community and the society at large.

METHODOLOGY

Considering the importance of this work, particularly the sociologic perspective of local government and communities, the methodology employed for realizing this work is as follows: first, library research by analyzing the previous works related to this topic. Second, the legal method focuses more on international legal aspects and compares them with the domestic legal issues related to the development and empowerment of communities. Third, the comparative method focuses on the trends in the participation of communities in the processes of public policies and development of communities. The fourth and last qualitative research method works with focus groups in local communities. In this process, there were two focus groups, 8 members in each group, altogether 16 participants (8 women and 8 men). Their ethnicity: 10 Albanians, 2 Turks, 2 from the Ashkali and Egyptian communities, and 2 from the Serbian community. This research was done with the citizens of Prishtina because it is the biggest municipality in Kosovo and because of its specifications as a capital city. The discussion has been done more from the perspective of finding out the role of local government and the

development of the community, public participation of the communities, the role of the communities in the sphere of education enhancement, and its contribution to the reduction of deviant behavior.

RESULTS AND DISCUSSIONS

In general, while discussing with the focus groups, it could be seen that the development and organization of the communities are still at the early phase of development, which is gradually increasing and helping create active citizenship in public participation in the local governments. Therefore, local government has essential meaning for the life of local communities because, following their capabilities, it impacts the improvement of the quality of life for the communities. However, through cooperation, empowerment of the collaboration, and their development, local communities affect their members' formal and informal education, reduce deviant behavior, avoid prejudice and stereotypes, and influence their social participation as an essential component of democracy.

THE DEVELOPMENT OF THE COMMUNITIES AND THEIR ROLE IN DEVELOPING EDUCATION AND REDUCTION OF DEVIANT BEHAVIOR

Usually, when talking about local communities, it means religious, women, youth, business, organization of civil societies, marginalized communities, and social categories. Based on Law No. 03/L-047 on the Protection and Promotion of the Rights of Communities and their Members in Kosovo (2008), communities are defined as:

National, ethnic, cultural, linguistic, or religious groups traditionally present in the Republic of Kosovo that are not in the majority. These groups are Serb, Turkish, Bosnian, Roma, Ashkali, Egyptian, Gorani and other communities. Members of the majority community in the Republic of Kosovo who are not in the majority in a given municipality shall also be entitled to enjoy the rights listed in this law.

Local communities have an important law in developing their social activities and life within their community. Therefore, the development of the communities requires another necessary process, as described in the following citation and Figure 1 below: "Community development process can be difficult, time-consuming and costly. Community residents are often more concerned with daily tasks than with thinking about and developing a vision of their community's future. For example, residents want access to good schools for their children, decent jobs, and a safe and clean environment" (Vadeveloo 2013).

There are examples of this kind where communities are well organized in some of the municipalities throughout Kosovo, although most of them are at the initial stage. GAP Institute (2017) has identified "at least six villages where their population together with their diaspora and businesses of those villages get together to discuss how and what can be done to improve the environment and the life where they live. These villages are as follows: Korisha, Dobërçani, Koretini, Smira, Stublla e Epërme dhe Lubinja e Epërme" (p. 6). These villages have shown success to be followed because they have their local advisers, they work for the common good,

they have even opened a bank account that collects donations from people voluntarily to keep the environment clean and sponsor other social activities that are also done voluntarily.

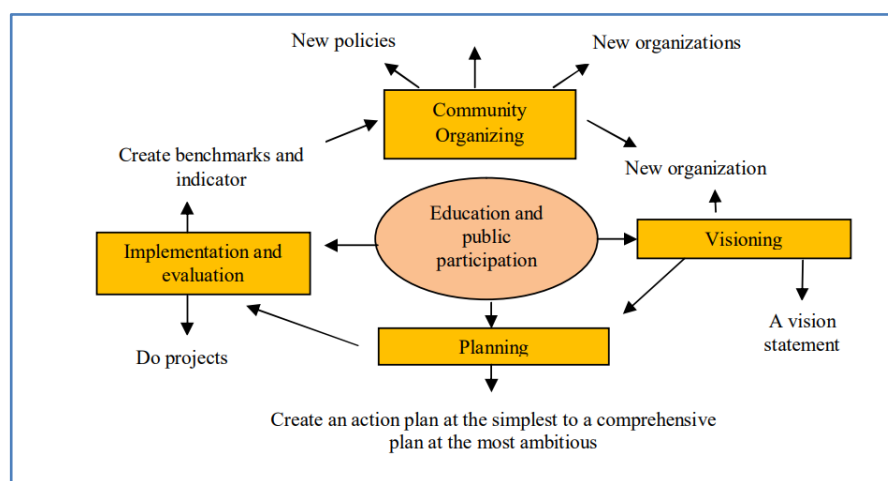


Figure 1: Community Development Process (Vadeveloo 2013, 55)

The development and organization of local communities are closely connected to the administrative instruction as follows: "MGLA - Administrative Instruction No. 02/2019 on the Organization, Functioning, and Cooperation of the Municipalities with Villages, Settlements and Urban Quarters 2019", regulates the organization, functioning and cooperation of the municipality with the villages, settlements and urban quarters, and which has specific responsibilities and powers for the collaboration within the community and the relationship with the local government.

This public policy talks about the way it functions, the form of meetings, and other local councils. Thus, developing the communities is necessary because the communities are fluid, dynamic, and coherent. They cooperate and, above all, they feel identity and social belonging. Communities have contributed to developing community social empowerment in municipalities with pluralism and cultural diversity. They have had their role in decision-making, pushing forward the process of formal and informal education and fighting negative phenomena. While doing the qualitative research, the focus groups discussed the role of the communities in their development and participation in public life, their role in developing education, and the fight against deviant behavior within the community. Their opinion is as follows:

Local communities have an essential role in developing their life in the settlements where they live. They say that the community has often succeeded in reconciling families with hostilities; they have successfully brought people together and united within the community. They have had an impact on students to pursue schooling also in the reduction of deviant behavior and delinquency; also they motivated and mobilized the community to work for the common good as well as participating in the local councils for safety in the community as an important body of the local security (Focus-group-I 2023).

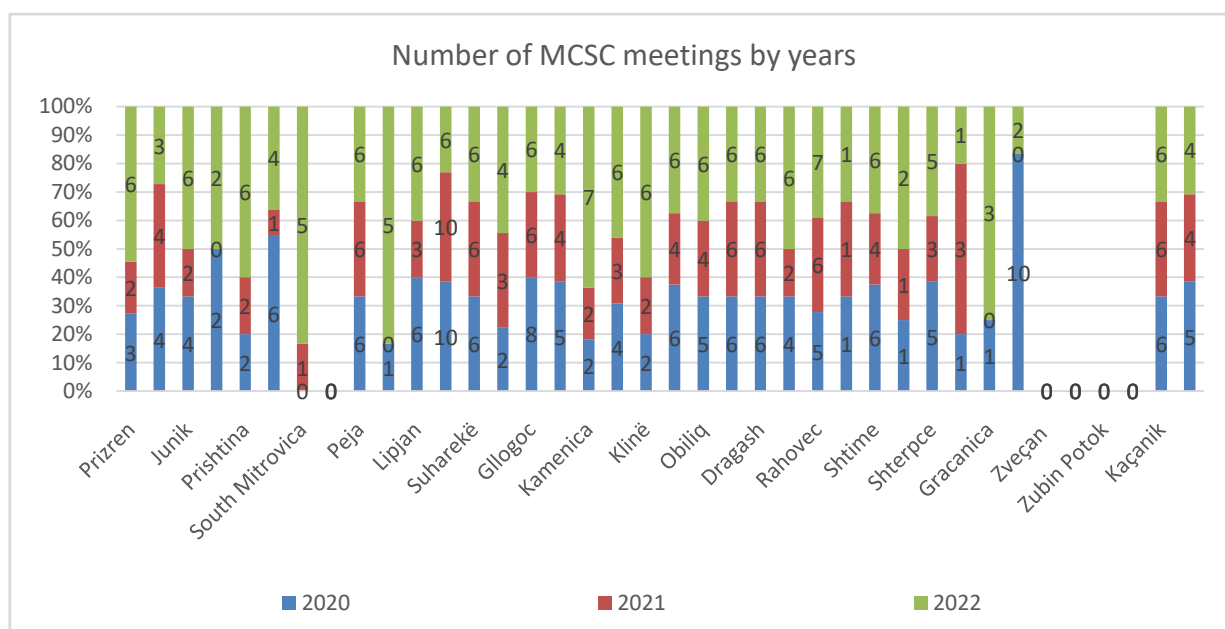
While discussing with the focus groups, their thoughts and opinions were taken on how to organize their community; they have expressed that “as a community, there are no differences between them; they cooperate for a specific purpose, participate in local gatherings with local self-government when the need arises we contribute financially for common good of the community and for fulfilling our requirements and needs” (Focus-group-II 2023). Focus Group “as a research strategy, serve the purpose of intensive discussion and interviewing of small groups of individuals with a specific focus, typically several times within a certain time” (Pajaziti 2010). Putnam calls this development social progress; capital encompasses social networks and the norms of reciprocity and trustworthiness arising from them. This is because:

Communities help their members to act through collective action, bridge members of the community through connections, promote collaboration, and allow dialogue, discussion, and debate for the exchange of ideas and opinions. School, family, and community partnerships are a better way of placing school actions within the community; all stakeholders share responsibility for students; learning and development. For instance, educators can transform their schools and classrooms into communities of inquirers. In this process, community involvement becomes important not only for the school but also for the transformation of that very community (Gatt 2013).

Watt (2001) argues that accommodating “the concerns, needs, and interests of communities in education planning and management can help to generate strong demand for education and improve enrolment, attainment, and achievement” (Russell 2009). On the other hand, the community plays an incredible role in reducing deviant behavior, notably through socializing and social integration programs, organizing social activities supported by the municipality logistics, philanthropic activities for supporting education and offering necessary training for the community. Communities in Kosovo are an essential part of the local authority, and a good example would be the Community Safety Council, which has a vital role in public safety. According to MIA/MGLA - Administrative Instruction No. 27/2012 MIA - 03/2012 MLGA for Municipal Community Safety Councils 2012, members of this council are the following vital designations:

The Mayor of Municipality (Chairperson); Commander of the Municipal Police Station; One representative from each religious community of respective municipality; One representative from each ethnic community within respective municipality; The chairperson of the Committee for Communities from the municipal assembly; Official for gender equality; Director of Education directorate; The chairperson of educational parent’s council of the respective municipality; One representative of KSF; One representative of each Local Public Safety Committee; One representative of the Community Safety Actions Teams; One representative of the municipal civilian emergency sector; Representative of municipal office for communities and return; One NGO representative, local media, business community, and community of people with disabilities.

As evident from the above discussion, part of the body is also local communities, including the civil society and members from other communities that are important in initiating the debate and influencing the decision-making for the community's common good within their municipal territory. To achieve this, municipalities must hold at least 6 meetings within one year (three meetings in the first and three in the second half). Based on reports from the Ministry of Local Self-Government Administration, the number of meetings of MCSC over the years was not at the desired level for different reasons. These facts are presented in the Graphic 1 below:



Graphic 1: Number of MCSC Meetings by Years (Authors' depiction)
(Source: MLGA 2020, 2021, 2022)

As can be seen from Graphic 1, municipalities have had fewer public meetings than was projected with administrative instruction for municipalities, even though these bodies play an essential role not only in the field of safety but in other fields as well: education, deviant behavior, problems with homeless dogs, and many other important themes. Therefore, local communities have an important role in developing their community by creating a feeling of social belonging and identity and participating in public policies to improve their well-being.

THE PARTICIPATION OF LOCAL COMMUNITIES IN PUBLIC POLICIES AT THE LOCAL LEVEL

Contemporary society is organized based on the partnership between local government as a unit closer to the citizens and the population or the community. This is so because both parties benefit from this approach. First, the local government benefits from cooperation by strengthening its legitimacy and making the community part of its public policies. Second, the local community's benefit is that through participation, they have a say and advocate for their good, which has an impact on getting better public services and improving their well-being.

Likewise, “local governments are placed in the position which is much better than local government as it works in close coordination with local NGOs and community-based institutions or volunteers in recognizing inconvenience and stating answers” (Haqu 2012, 6).

The involvement of local communities in public policies is a good sign for local democracy and is a crucial precondition for general democratic development. Public policies deal with the support of:

The decision from creating ideas until appraisal, correction, completion, and implementation. This means that there are a number of options for a decision to be taken; one will be chosen for a variety of reasons (for example, lowest cost, ease of implementation, or there is political will) for which there will be the final decision and then it will be approved with a special implementation plan” (Baliqi 2017, 37).

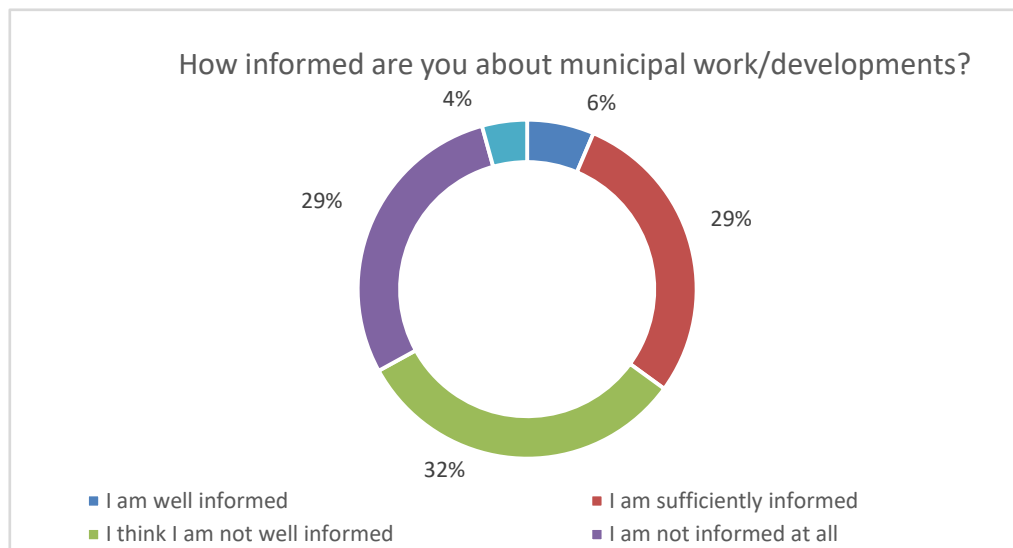
The participation of the community or citizens “means inclusiveness of the citizens, groups of interest and community in general in the processes of decision making to create or improve public policies, procedures, and local practices in favor of creating the well-being of the citizens” (Kamberi 2019). In Kosovo, the community participates in public policies through mechanisms of local democracy, where:

Actual legislation tends to create solid conditions for all community members; regardless of gender, sexual orientation, age, ability or disability, level of education, or ethnicity, everybody is respected and encouraged to make meaningful contributions to the decision-making. This is achieved by making specific conditions, such as 1) holding public meetings and 2) rights and privileges, like petitions, initiatives, and referendums. Public meetings may be the most common activity compared to other activities of active democracy that, by law, should be held twice a year (AKK/AKM 2019, 43).

The advantages that local communities get from their participation in public policies are: “minimizes the cost and delay of things to be done, improves the quality of the decisions, builds the consensus, increases the facilitation of implementation, keeps the trust and the legitimacy, foresees the opinion of the public and develops the civil society” (AKK/AKM 2019, 42).

In the last few years, even though there has been development within the community compared to the years before, it is still considered far from the target sought. Research tells us that the focus of development should lie on the participation of the community in the cycle of public policies. In the study done by the Democracy for Development Institute (D4D), particularly on whether they think they can influence policy-making, around 64.6% of the respondents declared that they have never tried it because they believe it cannot influence policy-making. Around 19.4% of the respondents have not tried to influence policy-making but think they could affect them if they have tried. 8% of the respondents have been represented in the general decision-making activity, and 3.2% have attempted to influence policy-making and expressed satisfaction with their contribution. 4.7% of the respondents have replied that they have no opinion about this issue” (D4D 2019).

The community, too, has declared that there is very little information from the local government about the issues with common interests for the community.



Graphic 2: How Informed Are You about Municipal Work/Developments? (Source: D4D 2019, 8)

As depicted in Graphic 2, 60.7% of the respondents have stated that they are either not well-informed or not informed at all. Only 6.4% consider they are well informed about these developments, whereas 28.6% have said they have the needed information on this topic (D4D 2019). To get our research with the analyses and research done by others while discussing with the focus groups, our research has touched upon the issue of community participation within the framework of public policies. Related to this issue, they have emphasized that “they participate from time to time in the public meetings, specifically in the meetings related to municipality budget, because they see it important for their future projects, but not for other meetings” (Focus-group-I 2023). On the question about the factors why they do not participate in the cycles of public policies, the majority of them have stated that:

Some of the factors that made them not participate in these meetings were lack of proper information about the meeting and the agenda, short time provided during meetings to take our thoughts, the influence from the groups of interest, lack of transportation to the meeting, village councils not functional for proper arrangements for meetings, and other factors (Focus-group-II 2023).

Another important issue within the framework of public policies that have recently been noticed to have received attention is the “social audit”, which seems to have space for discussion with the local communities. This process involves an approach towards:

Reaching social accountability through constructive engagement between communities, civil society, government agencies, and the private sector. It values the performance of the municipalities responsible for offering services such as access to water and health services and for the implementation of developmental projects of the community, like road infrastructure and the rehabilitation of public

spaces. Social audits are based on the principles of democratic governance, which means that the process is participative, inclusive, transparent, and oriented towards solutions (DEMOS 2023).

This process is essential for the local community because they can evaluate/monitor locally invested projects. However, the process is still in the initial stage of piloting by some NGOs in some municipalities. The project seeks to have an impact in empowering social cohesion in local communities for the common good and for monitoring the projects by the local government for the public interest in general.

CONCLUSION

Based on the elaborations provided, it can be concluded that the role of local government is critical for the development of local democracy and is indicative of the broader growth of democracy. Local government and the community closely cooperate due to mutual interests aligned with issues for the common good of the public. The study demonstrated that local self-government in Kosovo entails municipalities operating within the legislation framework governing local self-governance. A community comprises citizens united by shared intentions, common interests, mutual trust, and a sense of social belonging and identity. Further analysis of the research findings reveals the significance of the relationship between local government and the community. Local government formulates public policies for the common good and aims to provide more efficient public services. Meanwhile, through development, organization, empowerment of social cohesion, and participation in public policy cycles, the community ensures that these services are closer to the recipients and that projects are executed as planned. Additionally, community involvement influences the enhancement of well-being and contributes to improvements in infrastructure, education, public safety, and other matters of national interest.

The development and organization of local communities in Kosovo seem to be at the early stage of development; however, there are examples where this community was organized well and made their contribution to influence the development of their community through the projects provided by the local authority and other local and international organizations. Accordingly, the communities have often influenced the empowerment of relationship within their community and their participation in local processes. They have also motivated students to pursue their education in both formal and non-formal ways, significantly reducing deviant behavior, prejudice, and societal stigmatization. Furthermore, they have played a key role in creating bridges between ethnic communities in the regions where they reside.

Additionally, the research has concluded that despite mechanisms for local democracy facilitating community participation in decision-making processes, the community's presence in meetings remains insufficient due to various factors. Often, their participation is limited to public meetings specifically addressing budgetary matters. Another noteworthy aspect, which holds significance as a potential mechanism for future community empowerment in public participation, is the social audit mechanism. This mechanism involves the community monitoring municipal projects and enhancing collaboration with local authorities.

CRediT AUTHOR STATEMENT

Islam Hasani: conceptualization, methodology, software, original draft preparation, and supervision. **Ferdi Kamberi:** conceptualization, data curation, writing, reviewing, and editing, conclusion.

All authors have read and agreed to the published version of the article.

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INTERNATIONAL REGISTER OF DAMAGE: THE GUARANTEE OF RECOVERING JUSTICE IN UKRAINE

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Abstract: *This study addresses the urgent need to establish a comprehensive compensation mechanism for damages incurred by Ukraine due to Russian aggression. The research analyzes the legal, procedural, and practical aspects of the Enlarged Partial Agreement on the Register of Damage instituted by the Council of Europe. Methodologically, the study employs existing literature, legal documentation, and various scientific methods to understand the dynamics of compensation mechanisms. The study identifies unresolved issues through a comprehensive literature review and proposes solutions. The study underscores the pivotal role of the Ministry of Justice of Ukraine in meticulously documenting damages and proposes specific categories of compensation claims. Overall, the research highlights the significance of international cooperation and legal frameworks in restoring justice and providing accountability for those affected by the conflict.*

Keywords: *Register of Damage; EU Law; Public Administration; Justice; Ministry of Justice; Ukraine; Russian Aggression*

INTRODUCTION

Russia's internationally illegal actions in Ukraine have prompted the international community to establish a separate legal mechanism. This mechanism is designed to facilitate the collection of evidence and information in documentary form regarding the damage caused to individuals, legal entities, and the state of Ukraine as a result of Russia's act of aggression. On 16 May 2023, the Council of Europe marked a historic milestone by instituting the Enlarged Partial Agreement of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine (referred to as the Register or RODU). This monumental decision is a crucial step towards the realization of an international claims commission for Ukraine, aligning with the United Nations General Assembly's call, as articulated in Resolution A/RES/ES-11/5 on 15 November 2022, for the establishment of an international reparation mechanism (UN Resolution A/RES/ES-11/5 2022).

The recent geopolitical events surrounding the aggression of the Russian Federation against Ukraine have prompted significant international responses. Among these responses is the establishment of the Enlarged Partial Agreement on the Register of Damage, a mechanism designed to document evidence and claims information related to the damage, loss, or injury caused by the Russian Federation's internationally wrongful acts in or against Ukraine.

The preamble of the Statute underlines the pursuit of peace based upon justice, reflecting the commitment of the international community to address the consequences of the aggression. This paper aims to comprehensively analyze the key provisions outlined in the

Statute, shedding light on the legal, procedural, and practical aspects of the Register of Damage (Council of Europe Resolution 2023).

The author will delve into the legal foundations of the Register, examining its mandate as outlined in Article 1. This includes the temporal and geographical scope, emphasizing the importance of the Register in serving as a record for claims related to damage occurring on or after 24 February 2022 within Ukraine's recognized borders.

METHODOLOGY

The methodology is based on existing literature, books, scientific journals, official legal documentation, and EU publications. The study uses several scientific methods to understand the relationships that arise because of the creation of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine to compensate the Ukrainian victims of Russia's military aggression, such as the analytical method, the comparative method, the methods of interpreting legal norms, and the methods of induction and deduction. The author analyses specific examples and conducts a detailed study of the relevant legal framework to better understand the compensation process for damages. The study provides a comprehensive understanding of the complex dynamics associated with forming compensation mechanisms for Ukraine using these various scientific methods.

With the help of the analytical method, the author identifies patterns and trends in the functioning of compensatory mechanisms and their impact on the world situation. The methods of interpretation of legal norms are used to analyze legal documents and regulations to understand the grounds for creating an international register of damages for Ukraine. The historical method is used to understand the evolution of compensation mechanisms in Eritrea-Ethiopia and Palestinian cases. The author traces the development of the Register of Damages for Ukraine and its current role as a tool of protection against Russian foreign policy. Induction and deduction techniques are used throughout the research process to guide research and draw accurate conclusions.

The methodology used in this study highlights the importance of rigorous scientific research in this field of research. It is a valuable contribution to the existing literature on the functioning legal regulation of the International Register of Damage for Ukraine and its impact on world events. The study's findings have significant implications for policymakers and academics seeking to understand the role of the International Register of Damage in shaping international policy and security.

LITERATURE REVIEW

While reviewing scholarly literature, the focus was placed on the works of authors such as Tom Best, Timothy L. Dickinson, and Joseph R. Profaizer. In their article "The Russia-Ukraine War: Establishing a Claims Compensation Process" (2023), these authors propose that Russia's voluntary agreement to participate in the International Register of Damage and to compensate for all incurred damages might facilitate the removal of sanctions (Best et al. 2023). Illia Chernohorenko, in "Seizing Russian Assets to Compensate for Human Rights Violations in

Ukraine: Navigating the Legal Labyrinth”, underscores the critical need for establishing a compensation fund (Chernohorenko 2023). The article “War Damages Compensation: A Case Study on Ukraine”, authored by Iryna Izarova, Yuliia Hartman, and Silviu Nate, brings to light the issues of compensation and the formulation of a coordinated strategy to safeguard the rights of affected individuals (Izarova et al. 2023).

Furthermore, Chiara Giorgetti and Patrick W. Pearsall’s work, “Creating an International Compensation Mechanism for Ukraine”, delves into the anticipated structure and functions of the damages registry mechanism, including its jurisdiction, legal status, structure, claims process, applicants, and financing (Giorgetti and Pearsall 2023). In the study titled “Socio-Political Discourses on War-Related Damage to Ukrainian Citizens: Analysis of Public Policy in the Context of Court Cases”, conducted by Mariana Khmyz, Rostyslav Sopilnyk, Vitaliy Hudyma, Yurii Semchuk, Liubomyr Sopilnyk an analysis was performed on Ukrainian legal and regulatory frameworks for imposing damages on the aggressor nation and for restoring justice (Khmyz et al. 2023).

Despite the extensive academic discourse responding to the international community’s creation of the International Register of Damage, a range of unresolved issues remains, which this article aims to address.

RESTORING JUSTICE: COMPENSATION MECHANISMS AND INTERNATIONAL SUPPORT FOR UKRAINE

The consolidated commitment to Ukraine underscores the gravity of the situation and emphasizes the imperative for comprehensive international engagement guided by detailed legal frameworks. From the author’s perspective, this steadfast support for Ukraine signifies a cornerstone for enduring solidarity and establishes resilience in the face of the ongoing crisis.

Stating a belief that accountability is indispensable for lasting peace, the author emphasizes that the prospects for sustainable peace are undermined without holding the responsible parties accountable. According to the author, this sentiment aligns with the articulated principles for a just and enduring peace, a framework delineated in President Zelenskyy’s Peace Formula (European Union External Action 2023). As stated by the author, the emphasis on an unequivocal international legal response reflects a mindful approach to addressing the multifaceted dimensions of the conflict, encompassing both individual victims and the broader Ukrainian state.

The reference to truth, justice, reparation, and guarantees of non-repetition reflects an acute awareness of the imperative to rectify past wrongs and establish a robust foundation for future unity.

In the same context, the author underscores the solidarity among EU Member and Non-Member States, emphasizing the necessity for a unified approach. The Russian Federation’s military intervention in Ukraine catalyzed the prompt organization of various aid initiatives across European countries. On 4 March 2022, the European Council implemented a special status for individuals who left Ukraine - temporary protection (Abuseridze et al. 2023).

Within a similar framework, the author provides an upbeat assessment of the role of sanctions, stating that the sanctions have already had a devastating effect on the Russian

economy, and this impact is expected to intensify further in the long term (Abuseridze, Agapova, 2022). Otherwise, as per the author's evaluation, there will be severe consequences, and recent European history provides clear examples. A prominent illustration of such implications is evident in the cases of Ukraine and Georgia. Over almost three decades of independence, Ukraine and Georgia have endeavored to chart their paths as sovereign states while wanting to align more closely with Western institutions, such as the European Union and the North Atlantic Treaty Organization. Georgia and Ukraine's pursuit of Euro-Atlantic integration and adherence to Western values has been a significant source of discontent for Russia.

Consequently, this discontent manifested in the occupation of Georgia in 2008 and the occupation of Ukraine in 2014 (Abuseridze and Grasis 2022). In addition, it should be noted that before the complete occupation of the territories of Georgia in 2008, the Russian Federation launched a full-scale trade/economic blockade on Georgia. The Kremlin targeted the trading sector, which was most dependent on the Russian market then. Trade relations, governed by complex and specialized WTO laws, couldn't regulate Russia's involvement at the time due to its non-membership in the organization (Abuseridze 2021). This action also emphasizes Russia's geopolitical intentions, which were not stopped by the international community and were already followed by Georgia's aggression in 2008 (Abuseridze 2021).

Establishing comprehensive compensation mechanisms for unlawful international legal actions is a well-recognized practice globally. Of particular significance is the experience gained in crafting compensation mechanisms following violations of international law (UN 2022). Notable examples include the UN Compensation Commission, which operated to adjudicate claims and disburse compensation for damages resulting from the invasion of Iraq and the occupation of Kuwait (UNRoD 2023). Similarly, the UN Register of Damage addresses the legal ramifications of constructing a wall in the occupied Palestinian territory. At the same time, the Claims Commission deals with the consequences of the armed conflict between Eritrea and Ethiopia (Permanent Court of Arbitration 2023). These instances underscore the broader framework within which international entities respond to and address the legal aftermath of such events.

The legal framework for restoring justice and managing international claims, as well as compensating for damages in the case of Ukraine, is grounded in the following international legal documents: Resolution adopted by the General Assembly on 2 March 2022 A/RES/ES-11/1 "Aggression against Ukraine" (UN Resolution A/RES/ES-11/1, 2022); Resolution adopted by the General Assembly on 12 October 2022 A/RES/ES-11/4 "Territorial integrity of Ukraine: defending the principles of the Charter of the United Nations" (UN Resolution A/RES/ES-11/4, 2022); Resolution adopted by the General Assembly on 14 November 2022 A/RES/ES-11/5 "Furtherance of remedy and reparation for aggression against Ukraine" (UN Resolution A/RES/ES-11/5, 2022); Resolution CM/Res(2023)3 adopted by the Committee of Ministers on 12 May 2023 establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine (Committee of Ministers Resolution CM/Res(2023)3) etc.

Establishing the "Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine", marks a strategic move towards a comprehensive compensation mechanism. The Register of Damage, as delineated in Resolution

CM/Res(2023)3, is envisioned as the initial component of a broader international instrument. The author suggests that the willingness to engage with the international community for further development underscores a diplomatic and cooperative approach.

Following the legislation of the Netherlands and Ukraine, and guided by Resolution CM/Res(2023)3 provisions, the Register of Damage acquires all characteristics of a legal entity. The legal status of the Register of Damage entails the establishment of official representations both in the Netherlands and in Ukraine. By the decree of the Cabinet of Ministers of Ukraine dated 24 June 2023, No. 560-p, "On the proposal for the candidacy for the position of Executive Director of the Register of Damage caused by the aggression of the Russian Federation against Ukraine", the Ministry of Justice of Ukraine proposed the candidacy of Markian Kluchkovskyi for the position of Executive Director of the Register of Damage caused by the aggression of the Russian Federation against Ukraine. The decision of the Secretary General of the Council of Europe appointed Kluchkovskyi as the first Executive Director of the Register of Damage.

Another essential direction was the convening of a conference of justice ministers at the highest level on 11 September 2023, in Riga, initiated by Latvia and the Council of Europe: "On the Path to Justice for Ukraine: Advancing Accountability, Reuniting Children with Their Families, and Supporting the Resilience of its Justice System" (Council of Europe Office in Ukraine 2023) during which a joint political declaration condemning Russia's military aggression against Ukraine was signed.

The Declaration of the Informal Conference of Ministers of Justice on occasion: "On the Path to Justice for Ukraine: Advancing Accountability, Reuniting Children with Their Families, and Supporting the Resilience of its Justice System" (Riga Principles 2023), has become guiding directives aimed at ensuring the effective functioning of the Ukrainian Register of Damage. More than 40 countries have signed a declaration condemning Russia's political and military leadership, expressing support for the establishment of the Register of Damage caused by Russia's aggression against Ukraine and outlining international mechanisms for compensating losses. Thus, for the effective operation of the Register of Damage, the declaration proposes adhering to the following Riga Principles: 1) Victim-Centred Approach; 2) Firm Legal Basis; 3) Authority and Legitimacy; 4) Support to Ukrainian National Authorities; 5) Civil Society Engagement; 6) Work towards an effective reparation (Council of Europe, The Declaration of the Informal Conference of Ministers of Justice 2023).

There is no doubt that these principles thoroughly permeate and shape the primary goal of the European Union - restoring the violated rights of Ukrainians through compensation for damages. The operation of the Register of Damage plays a fundamental role in ensuring the rule of law and restoring justice.

International efforts to hold the Russian Federation accountable for its war of aggression and the progress toward establishing a special tribunal underscore the commitment to justice at the highest levels. Acknowledging the pivotal role played by the Committee of Ministers and the Parliamentary Assembly, the author states a commitment to strengthening the Council of Europe's role in supporting national and international efforts, including engagement with institutions like the European Court of Human Rights and the International Criminal Court. According to the author, this showcases a multifaceted approach to addressing the conflict.

The outcomes of the Reykjavík Summit, as interpreted by the author, reflect a deeply analytical and diplomatically astute response to the conflict in Ukraine. Using academic language, nuanced legal considerations, and a commitment to multifaceted international cooperation underscores a holistic approach to addressing the situation's complexities.

ROLE OF THE MINISTRY OF JUSTICE OF UKRAINE IN ENSURING THE REGISTER OF DAMAGE

In the intricate aftermath of the Russian Federation's aggression against Ukraine, the Ministry of Justice assumes a profound role in the meticulous documentation of damages. This responsibility transcends mere record-keeping, delving into the complex terrain of legal intricacies, comprehensive data collation, and facilitating avenues for redress and compensation. At its core, the Ministry becomes the custodian of a repository known as the Register of Damage, intricately designed to encapsulate the multifaceted repercussions of the conflict. In weaving together this comprehensive tapestry, the Ministry collaborates extensively with various governmental entities, ensuring that the register reflects tangible property damage and nuanced socio-economic and humanitarian impacts on individuals and communities.

Establishing a robust legal framework surrounding the register becomes a paramount task. The Ministry of Justice, in this capacity, becomes an architect of legal mechanisms, forging guidelines that align with national and international legal standards. Furthermore, the Ministry becomes a guardian of justice, ensuring that the documentation is not merely an administrative formality but a potent instrument for seeking legal remedies and reparations. It champions the cause of individuals and entities affected by the aggression, safeguarding their legal rights and providing a conduit for seeking redress through legal avenues. The collaborative dimension extends beyond national boundaries as the Ministry of Justice engages in international cooperation. By sharing the compiled information with international bodies, human rights organizations, and legal forums, the Ministry contributes to a global understanding of the impacts of the aggression. This collaboration, in turn, has the potential to set the stage for legal accountability on an international scale.

Emphasis should be placed on the fact that, in compliance with international legal acts, a series of normative legal acts have been adopted to create compensation mechanisms and reimburse damages. Specifically, these include Presidential Decree of Ukraine No. 346/2022 dated 18 May 2022, "On the working group for the development and implementation of international legal mechanisms for compensating the damage caused to Ukraine as a result of the armed aggression of the Russian Federation" (Decree of the President of Ukraine No. 346/2022, 2022); Order of the Cabinet of Ministers of Ukraine No. 560-r dated 24 June 2023, "On submitting a proposal for the position of Executive Director of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine" (Order of the Cabinet of Ministers of Ukraine No. 560-r, 2023); Decree of the Cabinet of Ministers of Ukraine No. 985-r dated 27 October 2023, "On the submission of candidates to the Council of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine" (Decree of the Cabinet of Ministers of Ukraine No. 985-r 2023) and others.

Considering the Ministry of Justice of Ukraine's role in proposing candidates to the Council of the Register of Damage, developing a framework for documenting damages resulting from the aggression of the Russian Federation against Ukraine, and implementing other compensatory measures deserves approval.

In the ongoing efforts to document damages resulting from the Russian Federation's aggression against Ukraine, the Ministry of Justice of Ukraine plays a pivotal role. The recent developments at the inaugural meeting of the Board of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine further accentuate the significance of these efforts. At its meeting in the Hague from December 11-15, the Board made substantial progress in shaping the trajectory of the Register. It elected Robert Spano, Partner at Gibson, Dunn & Crutcher and former President of the European Court of Human Rights, as its Chair and Dr. Chiara Giorgetti, Professor at Richmond Law School, as Vice-Chair (Council of Europe Portal 2023).

Adopting Rules of Procedure and urgent discussions on eligible claims underscore the meticulous groundwork undertaken. The Board received a comprehensive briefing from the Register of Damage caused by the aggression of the Russian Federation against Ukraine (RD4U) Executive Director Markiyan Kliuchkovskyi, highlighting the extensive preparatory work for the Register's systems and functions.

Deputy Minister of Justice of Ukraine Iryna Mudra presented a proposal for categories of claims adopted by the Government of Ukraine on 1 December 2023, reflecting the government's commitment to this initiative. The Board, in its statement, acknowledged the importance of the Register of Damage for Ukraine as a crucial initiative for justice and accountability. It emphasized the consideration of categories of claims in alignment with the Register's Statute and international law. The commitment to developing rules and regulations, including claims categories, was emphasized, recognizing the urgency conveyed by Deputy Minister Mudra.

The proposed categories of claims cover a broad spectrum, including loss of life, torture, sexual violence, personal injury, involuntary displacement, forced relocation, economic loss, damage to infrastructure and governmental facilities, historical and cultural heritage, environmental damage, and other categories determined by the Board. This comprehensive approach aligns with the nuanced nature of the damages incurred during the conflict.

At the same time, the significance of Cabinet of Ministers of Ukraine Resolution No. 326 dated 20 March 2022, titled "On approval of the Procedure for determining the damage and losses caused to Ukraine as a result of the armed aggression of the Russian Federation, cannot be overstated in the context of establishing criteria for assessing damage and losses" (Resolution of the Cabinet of Ministers No. 326 2022). The resolution proposes a categorization of losses into three main groups based on the entity: Category (A) - subject of submission: natural persons; Category (B) - subject of submission: the state of Ukraine, including central and local state authorities, state or state-controlled institutions; Category (C) - subject of submission: legal entities, enterprises, including state enterprises, enterprises of critical infrastructure, and natural persons – entrepreneurs (Ministry of Justice of Ukraine 2023).

The Ministry's pivotal role in meticulous documentation, in tandem with the recent developments at the inaugural Board meeting, demonstrates a dedicated commitment to addressing the multifaceted repercussions of the conflict. As categories of claims are considered,

including those related to loss of life, economic loss, and damage to infrastructure, the comprehensive approach underscores a collective determination to provide redress for the impacted Ukrainian populace. The harmony between legal intricacies, international cooperation, and the recognition of urgent claims exemplifies a holistic endeavour to ensure justice and accountability for those affected by the aggression.

CONCLUSION

In conclusion, this article serves as more than just a summary of findings; it encapsulates a crucial moment in the ongoing discourse surrounding the conflict between Ukraine and the Russian Federation. Through meticulous research and analysis, the author has explored the intricate legal frameworks, international responses, and humanitarian imperatives that underpin the establishment of the Register of Damage for Ukraine.

The final word on the issues raised within this article reveals that the Register represents a significant milestone in pursuing justice and accountability. By providing a platform for documenting damages and fostering international cooperation, it is a tangible manifestation of the international community's commitment to upholding the rule of law and seeking redress for the victims of aggression.

The implications of this study extend far beyond the immediate context of Ukraine. Establishing the Register sets a precedent for international responses to aggression, highlighting the importance of collaborative mechanisms in addressing complex geopolitical challenges. Furthermore, it underscores the interconnectedness of global security and the necessity of collective action in safeguarding peace and stability.

The importance of the ideas presented in this article cannot be overstated. Through rigorous analysis and synthesis of existing literature, the author has illuminated the conflict's legal, humanitarian, and socio-economic dimensions, providing valuable insights for policymakers, academics, and practitioners alike. These findings underscore the urgency of addressing the consequences of aggression and the imperative of collective action in promoting peace and reconciliation.

Looking ahead, it is essential to consider possible new or expanded ways of thinking about the research problem. Future endeavours may explore the long-term impacts of the Register on international law and conflict resolution, assess its effectiveness in promoting reconciliation and peace-building efforts, and examine its potential as a model for addressing similar conflicts in the future. Additionally, further investigation into the nuanced socio-economic impacts of conflict and the role of international institutions in addressing them could yield valuable insights for policymakers and practitioners.

Summarizing the results of the research, the author provides the following Recommendations:

1. Advance the establishment of the International Compensation Commission, ensuring inclusive representation from the public and private sector and international legal experts.
2. Collaboratively develop a mechanism to involve Russia in the proceedings of the International Compensation Commission, prioritizing negotiation and legal processes.

3. Implement European and Ukrainian legislation amendments to bolster the legal framework supporting the above objectives.

Ultimately, establishing the International Register of Damage represents a legal mechanism and a symbol of resilience, solidarity, and unwavering commitment to the principles of truth and justice. Through ongoing research, collaboration, and advocacy, the author remains steadfast in contributing to a future where conflicts are resolved through dialogue, understanding, and respect for human rights.

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FASHIONABLE POLITICS: HOW ITALIAN LEADERS TRANSFORM INTO SUCCESSFUL BRANDS IN CONTEMPORARY COMMUNICATION

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Abstract: *Political communication is inherently intertwined with social dynamics and cannot be considered a separate field of study. Symbolic elements, slogans, and the leadership of political figures have permeated human history, influencing and often determining political action. This study has analyzed the phenomenon of personalization as compelling evidence in the field of contemporary political communication. The analysis is based on a study of Italian cases, aiming to provide an in-depth insight into the strategies adopted by political parties to personalize their leaders' image and engage voters. In particular, the focus has primarily been on party symbols incorporating the leader's name. The research was conducted to identify party personalization mechanisms and their impact on public opinion. The result highlighted the role of political communication in asserting the individual as a brand at the expense of the party organization, with significant implications for democracy and political participation.*

Keywords: *Personalized Politics; Political Brand; Political Communication; Political Identity; Political Marketing; Contemporary Politics; Italy*

INTRODUCTION

In the current scenario we are immersed in, political communication assumes a position of primary importance, highlighting the inseparable interconnection between political and social dynamics (Mazzoleni 1997; Voltmer 2006; Grossi 2009; Campus 2014; Giansante 2014; Haddon and Loos 2016; Cepernich and Novelli 2018; Perloff 2021). The dissemination and configuration of political messages profoundly correlate with the cultural and social context in which they are conveyed. Thus, political communication is an intermediary between the political and social realms, reflecting and driving transformations in public opinion, collective perceptions, and evaluative systems (Davis 2010; Mancini 2015; Yarchi et al. 2021). The synergistic interaction between political communication and social dynamics is reinforced through symbolic elements and slogans, which, throughout human political history, have proven to be inherently effective tools for guiding consensus and promoting collective adherence (Cacciotto 2006). Symbolic elements, catchy slogans, and even the figures of political leaders have permeated the historical fabric of human political interactions. From ancient civilizations to modern movements, these components have acted as semantic bridges between the masses and political ideologies. Emblematic are the cases in which flags, colors, and slogans have become distinctive emblems of political factions, catalyzing group identity and social cohesion (Battista 2023). The magnetic aura of leaders also imbued with symbolic and narrative connotations, has had a tangible influence on the course of political events, channeling collective energy toward common goals

(Tucker 1995; Peele 2005). These elements constitute indispensable components in the study of political communication as they form their semantic and emotional foundations (Segatori 2010; Staiger et al. 2010; Demertzis 2013). Of course, emerging technologies, including social media, are contributing to shaping and restructuring individuals' cognitive structures, as emphasized by De Kerckhove (2001). This process of redefinition implies a significant revision of mental architecture, as these technologies act as catalysts in the evolution of modes of learning, communication, and human interaction. This phenomenon reflects the mutable nature of technological spheres. It suggests a profound shift in how information is perceived, processed, and shared, introducing a new cognitive and social experience configuration paradigm. The primary purpose of this study is to provide a comprehensive analysis of a significant mutation observable within communicative dynamics, namely, the emergence of personalization as a constitutive feature of contemporary political communication.

LITERATURE REVIEW

Political branding has catalyzed a significant evolution within political marketing, emerging as a distinctive and crucial field of study in the contemporary landscape (Scammell 2015). This phenomenon reflects a trend toward an increasingly sophisticated understanding of the communicative and strategic dynamics that permeate electoral campaigns and political image management. The transformation has created a body of specific knowledge and methodologies that have developed in response to the changing needs of modern political contexts (Barile 2022). This development has involved an interdisciplinary approach, drawing from political theory, social psychology, mass communication, and sociology to understand the processes of building and managing political brands fully. Not only is there a set of marketing strategies applied to the political context, but there is also a field of study constantly evolving, characterized by particular attention to the complexity of interactions between candidates, parties, voters, and the media. This perspective requires a critical analysis of the narrative, symbolic, and visual strategies used to influence the perceptions and opinions of citizen voters.

Moreover, it fits within a broader theoretical framework that explores the concepts of political leadership, public trust, democratic participation, and political culture. Introducing these assumptions is fundamental to fully understanding the importance and impact of this concept in the contemporary political arena, as the conceptualization and investigation of political brands have evolved considerably since the mid-1990s with the work of Lock and Harris (1996). Still, analyzing political brands' positioning by political actors and their understanding by citizens remains a prominent area of study in every political latitude (Baines et al. 2014; Nielsen 2016). Despite significant progress in understanding the subject matter, research on this topic in different political contexts and environments remains limited. There are several reasons for this.

Firstly, the complexity and multidimensionality of the concept of political branding must be considered. Each country has its own political culture, history, institutions, and unique social dynamics, making it difficult to generalize findings from one political context to another.

This requires a targeted and contextualized approach to analyzing political brands in different environments. Secondly, access to data and resources for in-depth research on political brands may be limited. Political data can be sensitive and subject to regulatory restrictions,

making it challenging to access detailed information on the internal decision-making processes of political parties or the branding strategies adopted by individual political actors.

Additionally, there is often a lack of consensus on measuring the success of political branding effectively. While some metrics, such as opinion polls or electoral results, can be used to assess brand recognition and the impact of branding strategies, these metrics alone may not be sufficient to capture the phenomenon's complexity. Finally, the dynamic nature of politics and branding strategies must also be considered in relation to the voracious adaptation to social platforms (Battista and Uva 2023). Political actors constantly seek new ways to adapt and refine their branding strategies in response to changes in the political environment, voter preferences, and emerging challenges. This means that research on political brands must be able to capture these rapid changes and adapt accordingly. Addressing these challenges can lead to a greater understanding of the dynamics of political branding and its implications for democracy and political participation (Foglio 1999). However, what appears certain today is the awareness that political brands are multifaceted and often complex entities designed to differentiate themselves from the competition (Pich et al. 2018).

Furthermore, their political customization through creating an adequate image is a relevant activity, as evaluating a political line and ideology is often inseparably linked to the overall assessment of the party and its members (Marland and Flanagan 2013). Examining the challenges associated with understanding political branding can increase awareness of the dynamics of democracy and political participation. Understanding how political brands influence the perceptions and decisions of voters can help promote greater transparency and accountability in the political process, thereby strengthening democratic institutions. Ultimately, research on political brands represents a vital field of study for understanding the complex interactions between politics, communication, and society.

THEORETICAL APPROACHES TO PERSONALIZATION IN POLITICAL COMMUNICATION

The trend towards personalization represents a distinctive feature that permeates the entire landscape of politics in modern democracies, manifesting with increasing prevalence. This inclination results in the progressive weakening of the emphasis placed on political programs and traditional parties, which are relegated to less central positions in the political arena (Mancini 2011). There is an ongoing shift where political parties, seen initially as the driving force behind popular political participation, have rapidly acquired a position of primary fragility within the representative system (Orsina 2018). In response to this evolution, an uncontrolled race for popular consensus has occurred, devoid of any political filter, and in this context, the traditional role of political parties as agents of political synthesis within the overall system has progressively diminished (Dalton and Wattenberg 2002). To a significant extent, a transformation emerges in which identification with the political party gives way to identification with the charismatic leader (Ceccobelli 2017). This transformation represents a fundamental shift in the dynamics of political participation and the orientation of the electorate. Historically serving as a vehicle for individuals to express their political preferences, the traditional identification with the political party weakens as the focus of attention and voters' adherence toward the charismatic leader.

In this context, the concept of charisma in leadership comes into play, an idea that was pioneeringly formulated by M. Weber in its modern sense. The notion of charisma is elaborated as one of the three principal forms of legitimate authority alongside traditional and legal-rational authority. According to this perspective, charismatic individuals emerge as those whose power and influence derive from extraordinary personal characteristics and the ability to elicit devoted adherence from followers.

Charismatic leadership theory underscores the fundamental importance of the presence of exceptional qualities and skills in the leader. These extraordinary attributes can take various forms, such as personal charisma, innovative vision, persuasive eloquence, or even remarkable courage. In this way, the leader's charisma becomes the primary driver of their ability to attract followers and guide them towards shared goals. Charismatic leadership theory provides a conceptual framework for understanding how leaders can exert extraordinary and transformative influence on organizations and society through inspiring, mobilizing, and guiding their followers. In the contemporary approach, leadership, on the other hand, plays a central role, especially in attracting and mobilizing supporters, reflecting an evolution in the very nature of political representation. The fervent quest for recognition with the political leader can be interpreted as a personal and emotional connection between the electorate and the charismatic political leader, often based on the leader's image and rhetoric (Salmon 2014; Battista and Salzano 2022). Exploring how and why this transition occurs is essential to understanding the events of contemporary politics better and addressing the challenges it presents to democratic representation.

The permanent campaign (Blumenthal 1980) plays a crucial role in contemporary politics and influences this state of affairs. The same notion represents the expansion of the electoral process beyond traditional periods, with politicians constantly seeking to influence public opinion, maintain support, and promote their policies by using media and digital communications to stay in touch with voters. It is not surprising, therefore, that the frenetic search for consensus by political leaders and charismatic figures has often led to strategies and behaviors aimed solely at capturing the approval of the electorate (Funciello 2023) without necessarily considering a broader political framework or the need to negotiate compromises among different interests and opinions. Due to this confluence, there has been an increase in the phenomenon of personalization in the political sphere in the context of a present marked by the dominance of individuality. Hence, the clear awareness that the rise of personalization in politics implies an accentuation of the importance of the image and rhetoric of political leaders (Barisone 2006; Ohr and Oscarsson 2011; Moroni 2019; Campus 2020; Battista 2023b) and a significant loss of relevance for the structure and internal cohesion of political parties. This paradigmatic shift has significant impacts on political participation and the orientation of the electorate, as a substantial portion of individuals increasingly tend to be attached to the leader's figure rather than the principles or programs of their political party (Calise 2011).

In other words, politics today is becoming more polarized and polarizing, as the loyalty and identification of citizens are increasingly linked to the figure of the leader (Holmberg and Oscarsson 2011; Bordignon 2013; Bordignon and Ceccarini 2013). All of this has further accentuated the perception of a distance between traditional political parties and the will of the people, contributing to the complex current dynamics in the context of political representation.

This evolution inevitably results in a significant concentration of media attention and public interest on individual leaders, who become central figures in political communication and the formation of voter preferences and decisions (Van Aelst et al. 2012).

METHODOLOGY

This study adopts an empirical approach based on the qualitative analysis of the symbols of Italian political parties and the political marketing strategies used to promote the image of leaders and engage voters. To conduct this analysis, a range of parties and politicians in the national context were selected. The selection was based on their representativeness in the current Italian political landscape to make our work as comprehensive as possible.

Considering the roles and relevance of these figures across various spheres of Italian politics - national governance, opposition leadership, and regional administration - provides a comprehensive view of their representativeness and influence in shaping political discourse and decision-making processes in Italy. In the current Italian political context, Giorgia Meloni holds the position of Prime Minister, leading the governance and political direction of the nation. Meanwhile, the Partito Democratico stands out as the main opposition party. Additionally, in regional governance and social media presence, Vincenzo De Luca has garnered attention for his effective leadership as the Governor of Campania (Battista 2024). The sample consists of the official symbols of the selected political parties. It compares symbols that incorporate the party leader's name as an integral part of the logo or symbol itself with a symbol that does not feature the leader's name. This is done to compare the different types of representation across various dimensions. These data aim to investigate how and to what extent the name of the political leader has been incorporated into the party symbol.

Through the lens of the "Five W" proposed by Lasswell in his 1948 communication model, we focus on the "what" and the "way" in which this message is conveyed, with a focus on the construction of an electoral brand. In this context, we recognize the sender as the political subject and the recipient as the citizen-voter (Foglio 1999; Kitschelt and Wilkinson 2007). The centrality of determining the motivations underlying the creation of a specific electoral brand is evident in terms of the style and language used and in reference to the topics addressed. It is important to note that the context significantly influences the intrinsic meaning of the political message, as a change in the context can lead to a substantial variation in the perception and interpretation of the message itself. Therefore, the relevance of the referential dimension of the context, as identified by Jakobson in 1963, which establishes an intrinsic relationship between the communicated message and the reality to which the message refers, can be emphasized. This analysis has proven significant as it has allowed for exploring personalization and the cult of personality dynamics within the contemporary political sphere. It has also defined the degree of electoral impact. The degree of emphasis placed on the leader's name within the party symbol has emerged as a significant variable in political communication strategies and the public perception of leadership, shaping how the leader's figure is presented and perceived within the political sphere.

The data were collected by systematically analyzing party visual communication materials, including posters and promotional material, and examining official websites and other

public resources. The qualitative analysis of party symbols focused on reviewing the use of the leader's name within the symbol context and evaluating any visual emphasis given to the name compared to other elements of the symbol itself. This study strictly adhered to ethical and legal standards related to the collection and use of publicly available visual and textual data, and no privacy or copyright regulations were violated during data collection. It should be noted that this analysis is based on publicly available data, and there may be limitations related to the accuracy and completeness of the information collected. In any case, the purpose of the pursuit is to provide a sensible overview, without claiming completeness, of the practices of personalization of Italian political parties through the analysis of their political marketing brands.

ANALYSIS AND RESULTS

Political formations constitute an intrinsically complex and diverse field of study. Among the prominent issues addressed are creating and managing political brands, related political communication strategies, and their influence on citizens' perceptions and the political decision-making process. In this context, analyzing political brands is essential for understanding the dynamics of political identity formation and consensus building. Political brands are extremely complicated elements to decipher in the broad field surrounding the focused phenomenon (Billard 2018; Lees-Marshment 2009; Lock and Harris 1996; Phipps et al. 2010). However, it is appropriate to outline a preliminary distinction, as previous research has particularly focused on analyzing political brands associated with political parties (French and Smith 2010; Milewicz and Milewicz 2014; Grimmer and Grube 2017). In parallel, there has been significant interest in examining political brands associated with political personalities, a dimension often referred to as human-political brands (Davies and Mian 2010; Guzman et al. 2015; Jain et al. 2018). This conceptual division reflects awareness of the intrinsic diversity between political brands of parties and those of individual political figures. Such differentiation is based on theoretical and methodological considerations and the practical implications underlying these distinctions. Thus, the research landscape offers a more articulated and nuanced perspective on analyzing political brands, considering the different dynamics underlying these categories, thereby contributing to a deeper understanding of political communication strategies and dynamics of public perception. In a more essential formulation, the concept of "personal branding" can be delineated as applying principles and paradigms inherent in traditional branding to the individual (Chen 2013). Indeed, "personal branding" has been characterized as a "process in which an individual actively works to manage others' perceptions of their competencies, skills, and experiences (Johnson 2017). Additionally, "personal branding" is strategically employed by celebrities, sports professionals, journalists, business leaders, entrepreneurs, students, and politicians as a strategy aimed at projecting an authentic and distinctive image, differentiating themselves from rivals and competitors (Cortsen 2013; Gehl 2011; Lair et al. 2005). In essence, this fundamental concept of "personal branding" denotes the systematic application of branding principles to the individual context, with the protagonists of this strategic process varying widely and encompassing both public figures and professionals from various sectors, all engaged in creating and promoting a distinct and authentic personal identity to achieve specific goals and stand out in a competitive environment, as is also the case in our field of study.

Turning to our analysis, the framework focuses on three illustrative dimensions of the Italian political scene. Firstly, the party is currently leading the country, with Italy's first female prime minister at the helm. The Democratic Party represents the main opposition party, and it is a regional case that takes on paradigmatic contours due to its transformation into a genuine political brand. The choice to include only the ruling party and the leading opposition party aims to provide a comprehensive perspective on the symbolic representation of the leading national political actors. Additionally, including a significant regional case allows for exploring how political parties can evolve into political brands at the regional level, highlighting the dynamics and strategies of political branding that may also be relevant at the national level, given the consistent national prominence achieved. However, it is important to acknowledge that this choice may seem arbitrary, as other major national parties have been excluded from the analysis. The decision to compare parties at national and regional levels was made to explore the differences and similarities in symbolic representation across different levels of governance and political influence. After all, the practice of including surnames in party symbols appeared to have stopped in 2013 when Pier Luigi Bersani, the leader of the Democratic Party at the time, chose not to include his surname in the symbol (Bordignon 2013).

Nevertheless, due to the increasingly pronounced trend of personalization in contemporary politics, it is evident that this practice is now more widespread and relevant than ever. What immediately stands out when observing the symbol of Fratelli d'Italia (Figure 1) is the effective facilitation of the mnemonic process and audience recall, making it easier for the public to associate principles and attributes with the entity represented following its distinctive features (Villafañe 1999). Distinctive features represented by the tricolor flame, originally conceived by former members of the Italian Social Republic who were among the founders of the Italian Social Movement (MSI), constitute the longest-standing and enduring political symbol in Italy. This emblem symbolically represents the persistent historical and cultural continuity of right-wing political orientation in Italy from the Second World War to the present day.



Figure 1: Logo Fratelli d'Italia (Source: Fratelli d'Italia 2024)

Undoubtedly, the evolution of the logo marked its transformation into a brand with the addition of the name "Giorgia Meloni". This process aligns with a pronounced trend of

personalization combined with a balanced amalgamation. This combination involves the manifestation of individual identities, which, in turn, incorporate complex perceptions resulting from the synergy of various personal elements, including distinctive personality traits, past experiences, emotions, beliefs, and intrinsic values (Rampersad 2008; Resnick et al. 2016). Furthermore, the sacralization of the leader's name constitutes an intrinsic element of the broader process of the iconic utilization of words (Benigno and Scuccimarra 2014). This intricate practice can be interpreted as a specific manifestation of rhetorical and semiotic manipulation, where language plays a central role in constructing and projecting political power and authority. In clear contrast to the personalization approach followed by many Italian parties, the Democratic Party has chosen not to adopt a strategy that implies the inclusion of the name of their leader within their institutional logo (Figure 2). This decision can be interpreted as an expression of a different strategic perspective in which the emphasis may be placed on the idea of a party where collective identity and policies are considered more relevant than the individual leading it. This approach could be oriented toward more ideology-focused political communication and political issues rather than the leader's image.



Figure 2: Logo Partito Democratico (Source: Partito Democratico 2024)

In this context, the Democratic Party's choice to abstain from personalizing its logo can be seen as an attempt to differentiate itself from the broader trend of emphasizing the leader's figure in political communication, stressing instead the party's identity as an autonomous and distinctive entity. After all, as the logo is conceived as the foundation of a unique sign, it graphically synthesizes the peculiarities and principles that the organizational entity intends to communicate universally. In this case, these principles represent the ideals the organization wishes to instill in citizens (Paniagua 2004). Indeed, one of the most exciting cases of human-political branding is represented by the figure of the Governor of the Campania region, Vincenzo De Luca. This figure constitutes a notable example of the convergence between social dynamics, an explosive combination of personalization, and the "spectacularization" of politics (Pasquino, 2009). All of this unfolds on digital platforms that have become increasingly powerful tools in the hands of politicians (Di Nubila et al. 2023) and can simultaneously influence informal interactions among people and institutional structures (Van Dijck and Poell 2013).

The political presence of De Luca falls into an intermediate category, which we could define as a hybrid between a trending social phenomenon and a fusion of political communication strategies that highlight the individual and make them a strong attraction in the political sphere. His ability to engage the public through his image and the spectacular dynamics used in his political communication represent an interesting case study to understand how political personalities can leverage new media and their online presence to gain visibility and electoral success. It is not a coincidence that in the last electoral campaign where the affiliated party to the Governor ran, the Democratic Party obtained the majority of votes, with a total of 16.9% of votes in favor of the list. What should be highlighted is that the success of the Democratic Party was equaled by the “De Luca Presidente” list (Figure 3), which received a remarkable total of 313,000 votes, positioning itself as the second most popular among the voters.



Figure 3: Logo De Luca Presidente (Source: Elezioni 2020)

These data demonstrate the relevance of Vincenzo De Luca's figure within the regional political context and the effectiveness of his political branding strategy, which allowed his list to achieve significant results in the elections in question. This is tied to the shift from party democracy, where parties act as intermediaries for citizens, to public democracy (Manin 2014), based on a political, communicative, and direct connection between leadership and citizens. The case of Vincenzo De Luca and the construction of his brand is based on various concrete elements, including his style, the interactions he maintains both online and offline, and the actions he takes in the public and political sphere. Even more significantly, this construction is based on immaterial elements, such as personal experiences, autobiographical narratives he shares, the values he promotes, his charisma, and the perception the public has of his authenticity and authority (Chen 2013; Gehl 2011). In summary, personal brands represent a complex and articulated manifestation of individual identities characterized by various intersecting dimensions. These dimensions include both tangible aspects and inherently immaterial elements and play a crucial role in creating a distinctive and influential image.

More generally, these factors converge in the construction of an identity narrative that defines who the individual is and what their distinctive characteristics are.

Furthermore, what emerges from the analysis aligns with the widely accepted concept that brand identity is fundamentally shaped by a combination of vision, values, and aspirations (Dahlen et al. 2010). This implies that the perception and construction of an effective and distinctive brand are not limited to superficial or tangible elements but are deeply rooted in more intrinsic and conceptual aspects. The vision, reflecting the long-term strategic perspective of the organization or individual, is closely intertwined with values and represents the fundamental ethical and moral principles guiding the brand's actions and decisions. Additionally, aspirations outline the desired goals and objectives, helping to define the brand's future direction when associated with a politician. In summary, brand identity emerges as a complex fusion of these conceptual elements, profoundly influencing perception, positioning, and overall success in the broader political landscape.

CONCLUSION

This study has gone beyond the traditional field focused on political party brands (Pich and Armannsdottir 2018; Pich and Newman 2020) and expanded the analytical horizon by focusing on different types of political entities, thus allowing for a deeper understanding of brand identity and perception dynamics in the political context. The selection of this limited sample could influence the representativeness of the results, as the study is based on a restricted number of political parties or leaders and may not capture the complexity of the political environment, which could include a wide range of political actors with different branding strategies and perceptions. Furthermore, the limited sampling might not account for the geographical, demographic, or cultural diversity that could influence the dynamics of political brand identity construction. This could lead to a lack of generalizability of the results at a national or international scale, thus limiting the applicability of the study's conclusions. However, while choosing a limited sample may entail some risks regarding representativeness and generalizability, it can also offer advantages regarding depth of analysis, control, and focused topic exploration. The research has clearly illustrated that political brand identity is constructed and managed by incorporating distinctive personal values and ideology, whether related to political parties or their leaders.

Furthermore, this study has highlighted that political, personal brands have been developed to establish a consistent, clear, and authentic presence in offline and online contexts to communicate a political image that remains consistent in the public's mind. However, it is essential to emphasize that this research has also revealed the complexities and challenges inherent in managing an integrated personal brand identity, particularly given the problematic and often fragmented context of the political system characterized by coalitions and parties. This aspect is vital as it highlights how political, personal brands must navigate a fragmented and multidimensional political environment, where the goals of coherence and authenticity require constant management and adaptation to the changing political realities.

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SCIENCE DIPLOMACY IN THE NEGOTIATION OF INTERNATIONAL BUSINESS CONTRACTS: A CRITICAL ASSESSMENT

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Abstract: *This study investigates the significance of science diplomacy at the convergence of politics, diplomacy, and science, emphasizing its heightened relevance in contemporary geopolitics and economic development. The aim was to elucidate the role of science diplomacy in optimizing negotiation outcomes concerning international business contracts by examining students' perceptions of its impacts in such contexts. A theoretical analysis was initially conducted to identify the main themes shaping our questionnaire by employing a comprehensive research strategy that combines quantitative and qualitative methods. Data collection was carried out through a survey using a five-point Likert scale. The study revealed the students' positive evaluation of science diplomacy, indicating their recognition and appreciation of its utilization in enhancing negotiation outcomes over international business contracts. While political leadership remains crucial in economic negotiations, our findings underscore the significant impact of science diplomacy in promoting international economic relations and facilitating domestic companies' access to global markets. This research significantly contributes to our understanding of the multifaceted role of science diplomacy in global knowledge dissemination and problem-solving. It elucidates the importance of science diplomacy in international relations and academia, emphasizing its constructive impact on addressing complex challenges.*

Keywords: *International Relations; Scientific Diplomacy; Communication; Negotiation; Development; Contracts*

INTRODUCTION

Science diplomacy is a highly active research field. An increasing number of scientists are investigating this discipline by studying new contemporary phenomena, the forms of their manifestation, and their influences on the current global political, economic, and scientific scene. Simultaneously, science diplomacy also examines past political and economic discussions, negotiations, conflicts, disagreements, and negotiation techniques to clarify, define, and highlight omissions in previous actions. As a diplomatic activity, science diplomacy also involves utilizing science and technology - technological advancements in the principles of reconciliation - to encourage dialogue and cooperation among individuals, organizations, and nations, primarily fostering local and international relations.

Thus, science diplomacy implies an interdisciplinary field that includes the construction and strengthening of bilateral and multilateral relations, combining the fields of politics, economy, science, technology, innovation, and foreign affairs - each with clear definitions of competence, associated actors, and levels that belong to them.

The Madrid Declaration on Science Diplomacy from 2019 reviews science diplomacy and its determination in geopolitical and economic terms and indicates that science diplomacy is often used to advance broader foreign policy goals that are related to issues such as democracy, sustainable development, energy, and others (S4D4C 2019).

While peace and progress through international cooperation in science have been discussed since the 1940s, science diplomacy was first publicly designated by the US State Department during Obama's tenure as a distinctive diplomatic approach to advancing US foreign policy priorities in the countries of the world (Office of Science and Technology Policy 2009). Researchers then applied this term to studying numerous scientific activities, related policies, organizations, and institutions, and their activities.

In contemporary business conditions, the techniques of diplomatic work are similar despite the variety of the organization, which is contributed by globalization and the related conditions in the system of international business relations. However, we believe that focusing each negotiator on science diplomacy can significantly contribute to developing a sound model based on the needs of business organizations and establishing an efficient economy. The reason lies in the interaction and mutual influence of economy and politics on the world scene and the overlap of politics, economy, and culture that promote the actions of governments and their international business entities. Therefore, economic interests are the first and most important factor in strengthening relations between governments concerning political ones. In other words, economic cooperation is the primary means of political or cultural cooperation between countries.

Consequently, integrating business mediation into the theory and practice of negotiation is essential for this approach, which should not be regarded as an art but as a logical process derived from knowledge, ultimately leading to improved business outcomes. Within this framework lies the significance of science diplomacy and its capacity to foster cooperation between countries, which can be sustained despite political disparities. However, given the existing lack of consensus and the necessity for further study in negotiation literature, our research question emerges: What role does science diplomacy play in the negotiation of international business contracts?

THEORETICAL FRAMEWORK

Communication and Business Negotiation

Every society's fundamental and ubiquitous need, from its primary forms to the present day, is the exchange of messages - information, that is, communication. Hercigonja (2017) states that through everyday communication, a person enters a negotiation environment where he achieves the goals he has disclosed through his concessions and offensive and defensive activities (Hercigonja 2017). Thus, negotiation becomes a principle and a method whose primary goal is to solve a particular problem, consider a specific situation, or give it a new or improve an existing expression. Negotiation is a complex process, and it is a process of rationally resolving problems or conflicts of interest between two or more parties who may share the same or different culture (Hercigonja 2017).

Kennedy (2003) emphasizes the fundamental significance of negotiation in attaining desired outcomes within interpersonal engagements. He characterizes negotiation as an explicit and voluntary exchange among individuals sharing reciprocal goals. Kennedy's definition portrays negotiation as a process wherein mutually beneficial terms are delineated between parties with aligned interests (Kennedy 2003). On the other hand, Fisher and Ury (1981) view negotiation as a principal approach for fulfilling personal objectives through interactions with others. Their depiction of negotiation underscores iterative communication strategies that foster consensus amidst both convergent and divergent interests among involved parties (Fisher and Ury 1981).

For Hercigonja (2017), "negotiation is a process of discussion between two or more parties to reach an agreement that is acceptable to both parties (...) a process of diplomatic problem-solving to achieve the satisfaction of both parties" (Hercigonja 2017, 11).

Dobrijević (2011) states that negotiation takes place personally and professionally, but there is a drastic difference between negotiation on the business scene and everyday negotiation. The author observes that a person who successfully negotiates in private life, with the final adequate and desired product of that process, does not have to be a successful negotiator in the business or international scene.

In the business and political sense, the purpose of negotiations becomes a successful agreement, that is, a successful deal. However, all these processes depend on many factors such as own resources, forms of diplomacy, characteristics of diplomacy, public relations, marketing, negotiation goals, methods and changes, and initial capital. When it comes to diplomatic negotiation, it refers to communication between diplomatic missions and ministries (usually foreign affairs) or diplomatic representatives, and in this sense represents the most complex form of communication.

For Berković (2006), diplomatic communication is how authorized bodies and persons who represent subjects of international law communicate with each other so that they can perform specific tasks in the field of international relations necessary for the normal functioning of the state as efficiently as possible. The author further notes that in the processes of diplomatic communication, there is a difference between official (between bodies within the scope of their authority), personal (between high-ranking officials on relevant issues), and private (between high-ranking persons on private, non-official issues) (Berković 2006).

For Kraljević and Vilović (2019), what is characteristic of every type of diplomatic correspondence are merit, a specific tone and style, and a unique external appearance, paying attention to the expression of respect for the person to whom the letter is addressed. The first impression in communication is significant because it determines the relationship between sender and recipient (state) (Kraljević and Vilović 2019). Differences certainly exist in all forms of negotiation, and both theory and practice show this, especially when it comes to international negotiations and concluding business contracts. The primary diplomatic protocol conditions them and depends from country to country. Berković (2006) thinks that divergences are present, but the Anglo-Saxon (British) or continental (French) protocol is most often used, with an emphasis on their ever-increasing simplification (Berković 2006).

Many public or private companies are expanding their activities to develop internationally in today's business environment. However, one of the essential aspects of these

activities is learning the skill of negotiation, which, although often underestimated, is very important for those who want to expand their activities in international business since this process involves comparing the expectations, interests, positions, and viewpoints of the negotiators.

Science Diplomacy in the Negotiation of International Business Contracts

Science diplomacy plays a crucial role in the development of international policies. Despite the long history of science in international relations, "science diplomacy" is a relatively new term. Targeting research areas, business sectors, foundations, and think tanks supporting research and innovation contributes to finding and promoting solutions to global challenges. Therefore, scientific relations between countries must also have a diplomatic dimension because science diplomacy is a matter of the public external action of the countries that implement it. In this regard, Gluckman et al. (2017) list three categories of actions that are used to strengthen science diplomacy and its roles in international business negotiation processes. The first of them are actions designed to advance the national needs of the country, then actions designed to address cross-border interests, and actions designed to meet global needs and challenges. In this context, Franić (2003) states that science diplomacy covers the diplomacy of knowledge and thus becomes the main prerequisite in the social sciences for the interaction of politics and research work to lead to social innovation that will benefit society (Franić 2003).

Thus, science diplomacy entails the utilization of scientific cooperation between nations to address shared challenges while fostering constructive international partnerships. Its role includes delineating and defining formal and informal technical, research, academic, or engineering instructions within international relations and global policymaking. Stone (2019) observes that the function of science diplomacy lies concurrently in the negotiation and interaction processes, serving as a bridge between scientists and officials engaged in diplomatic endeavors (Stone 2019). International scientific cooperation between:

Institutions, scientists, and experts is significant, not only from the aspect of opening the system of science and education to fresh ideas and control of international standards but also because of scientific diplomacy. By logic, scientists have permanently moved and contacted foreign colleagues more easily in international relations than other compatriots from their country, even during the Cold War. Namely, top scientists and professionals participate in international cooperation during their scientific and research work and present the results at conferences, symposia, seminars, and other gatherings (Franić 2003, 28).

Regarding negotiations, whether on a local or global scale, and contracts formed between two or more parties, adherence to international law and related rules and regulations suggests that the process is inherently unpredictable in today's context.

This necessitates a complex and comprehensive approach to resolving a problem, topic, or conflict. Tomašević Lišanin (2004) observes:

Above all, negotiation as a special skill can no longer be left to or delegated to a few skilled and experienced professionals, as was generally the case in the past.

Increasing and significant strategic emphasis placed on the management of relations with suppliers, an integrated approach to the sale of the company's products and services, and an increased reliance on external growth through acquisitions and strategic alliances have made negotiations significantly more complex, dynamic and with a more direct impact on the achievement of overall business success. All these changes and challenges offer an opportunity to create a new organizational capability (p. 148).

The author Tomašević Lišanin (2004), referencing Weiss, underscores the strategic importance of adhering to Jeff Weiss's guidelines for negotiation within corporate settings, as presented in the Harvard collection of scholarly works on principled negotiation (37, 96-99). Weiss (2004) delineates a five-stage framework for bargaining, with initial emphasis placed on internal procedural harmonization. Subsequent stages involve the formulation and dissemination of precise directives. Weiss advocates for negotiators to uphold stringent performance criteria, cautioning against prioritizing the lowest purchase price at the expense of broader business objectives. He stresses the need for managers to apprise negotiation teams of critical interests, evaluation criteria for potential solutions, decision thresholds for exiting negotiations, and optimal alternative strategies to the presumed agreement (Tomašević Lišanin 2004, 148-149).

The third phase involves the preparation stage, where standards are questioned, and guidelines are used to equip negotiators, employing various technologies to enhance their readiness for the process. In this phase, the role of science diplomacy is particularly prominent.

The fourth phase signifies the negotiation process itself. All activities from the preceding stages culminate in this phase, and the negotiation outcome hinges upon it. The conclusion of international business contracts also occurs during this phase as a direct result of negotiations.

The fifth and final phase of negotiations encompasses the revision stage, involving the analysis and assessment of negotiation outcomes, signed agreements, and the negotiation process itself. Notes may also be recorded regarding the behavior of the other party. Such insights are incorporated into the tools and databases utilized by the respective group and other organizational units in preparation for future negotiations (Weiss 2004).

Problematizing science diplomacy and its role in negotiating international business and other contracts, Young et al. (2020) think it requires a broader understanding of science in international or economic relations. The authors want to point out that it is much broader than the infiltration and inclusion of science in geopolitical and economic thinking and action. The same authors state that science diplomacy is used to denote actors and practices.

They divided actors into three categories: 1) political/diplomatic actors, 2) science-based actors, and (3) scientific administration/management-based actors (Young et al. 2020, 1).

Unlike political/diplomatic actors, the other two categories use science diplomacy to a lesser or higher degree with a specific difference. For them, science diplomats are those brought in by the government to help the processes with their knowledge. At the same time, some of them consider themselves activists in the field of science diplomacy.

According to Young et al. (2020), the third type represents the so-called science administration, those who deal with international issues and have responsibilities that imply a

certain degree of diplomatic activity. Here, the role of science diplomacy is reflected in activities such as creating projects, grants, and managing activities.

Regarding the relationship between science and international politics, Bueger (2015) distinguishes three generations. The first generation is focused on politics as such. The second generation focuses on epistemic discourse and how knowledge (discourse) affects global order and politics.

According to Bueger (2015), research in the history of science diplomacy would benefit most from establishing an approach that provides the conceptual tools and vocabulary to explain how scientific discoveries shape international space and its dynamics. The third generation is also helpful for science diplomacy because it understands the relationship between science and global politics at a higher level and, through analysis, includes a wide range of professional practices. Epistemic practices are configurations of material and bodily activities (doings and sayings), forms of knowledge (rules, habits, projects, or affections), and objects and artifacts (technologies and things) (Bueger 2015).

Thus, the role of science diplomacy in negotiating international business contracts and in the broader context of global politics and the economy is manifold. Positioned at the intersection of science, technology, innovation, and increasingly education policy, foreign policy, and international relations, its impact is far-reaching. According to Manners (2002), within the political sphere of Europe, diplomacy is intricately linked to peace, human dignity, freedom, democracy, equality, the rule of law, human rights, pluralism, tolerance, justice, solidarity, gender equality, non-discrimination, sustainable development, and good governance. Stokes and Selin (2014) further note that mutual recognition, regardless of origin, has been identified as a value permeating international science and politics and a prerequisite for collaboratively addressing global social challenges.

Problematising the role of science diplomacy in the context of negotiating international business contracts, the European Union (2019) notes its multiple roles and values. The first is the value to citizens - governments, diplomats, and researchers are encouraged to recognize and demonstrate science diplomacy as a fundamental and universal tool for improving international relations (European Union 2019). At the same time, science diplomacy possesses methodological diversity. It also has a demonstrable impact. All positive effects of science diplomacy can be evaluated and measured. If there are adverse side effects, it is possible to analyze them with an assessment and a scientific approach. At the same time, science diplomacy includes an element of collaboration and inclusion. The concept can be seen at the local, regional, national, and international levels.

This innovative model brings new management and coordination mechanisms that must be managed in dialogue with all stakeholders (European Union 2019).

On the other hand, science diplomacy also lies in capacity building principles. All participants in international business contracts and negotiations, in general, benefit from science diplomacy and exchange processes because they integrate interdisciplinary, interactive training models. At the same time, these models are both intergenerational and transnational, which enables a wide dispersion of activities. All this allows diplomats to strengthen their capacities and make diplomacy more prosperous.

This capacity building goes hand in hand with the need to establish new positions in science diplomacy, such as scientific advisors in foreign ministries, scientific staff in embassies, etc., which will also encourage new career paths for science diplomacy professionals (European Union 2019).

At its core, science is independent and an exceptional and appropriate tool for dealing with global challenges. At the same time, science becomes the basis for improving international relations. In this regard, science must be independent and free so that potential ideological goals do not distort it. Science, nowadays, participates in the geopolitical scene along with technology. Science, technology, and innovation:

can support diplomatic efforts in many ways. The Paris climate agreement is one of the most prominent recent examples of science enabling an international agreement. Science has always been the backbone of multilateralism, fostering cooperation among researchers worldwide. Science can help gain interest in non-like-minded countries and lead to tangible results, e.g., making multilateral institutions ready for the challenges of the 21st century (European Union 2022).

Dall et al. (n.d.) assert that political and diplomatic values are significant objectives for science diplomacy initiatives. Peace and development, for instance, are commonly recognized as the ultimate goals of science diplomacy, as reflected in the official documents of the European Union. Participants negotiating international business contracts frequently encounter the paradox of maximizing their interests while acknowledging the potential for reaching agreements through cooperation. However, conflicts arising from divergent goals and ideas often emerge. It is precisely under these conditions that a connection between science diplomacy and negotiation can be identified - negotiation becomes a crucial skill for advancing science diplomacy, and science within the negotiation context facilitates compromises founded on mutual respect and pertinent knowledge.

Kaltofen and Acuto (2018) think that science diplomacy is not only a meeting of science and diplomacy but a practical union of epistemic and diplomatic practice (Kaltofen and Acuto, 2018). In this regard, it is suggested that a fuller understanding of this alliance, which is fundamentally very practical and valuable, can structure negotiation practices and theories at both the micro and macro levels, using a systematic, scientific view of the pragmatic foundations of diplomacy. Science and technology are:

constantly at the heart of international affairs today. Whether it's climate change negotiations, pandemic fears, security threats, or sustainable development agendas, the role of scientists and scientific information in world politics permeates the spectrum of global political challenges like never before (Kaltofen and Acuto 2018, 15).

Science diplomacy's role in negotiating international business contracts extends to defending scientific values and academic freedom, thereby upholding research ethics and scientific integrity. Furthermore, it involves advocating for equality and diversity, promoting the openness of science, data transparency, and freedom of information and knowledge, all rooted exclusively in scientifically substantiated facts.

RESEARCH METHODOLOGY

Research Framework

Professionals in higher education seem increasingly to have a responsibility to think about how to increase students' awareness of a particular topic. Therefore, in this study, we intend to present ideas about the importance of science diplomacy by dealing with specific aspects of the correlation of science and economics in diplomatic activities.

Research conducted in the first half of 2023, focusing on the role and importance of science diplomacy in negotiating international business contracts, has paved the way for increased awareness and importance of this topic in academic circles. This study involved 190 respondents from two universities in Kosovo, namely "Haxhi Zeka" University Faculty of Law (Bach. and MA) in Pec and "Ukshin Hoti" (Bach) University Faculty of Law in Prizren.

Students from Haxhi Zeka University Law School, General Law Program (Bach.), and International and European Law (MA) participated in the study. At the same time, students from the General Law Program (Bach.) of the Faculty of Law of Ukshin Hoti University participated in this research, as this university offers only a Bachelor's degree study. The questionnaire was distributed directly during the lecture to all students to ensure a high response rate. Before that, the background, meaning, and possible effects of this research were explained to the students. Completing the survey was voluntary, and the data collected could not be identified, so the anonymity of the data was preserved.

This study used a complex combination of quantitative and qualitative methods to analyze the researched facts and collect data to find the main topics on which the questionnaire was developed. The values of the qualitative approach are primarily in its hermeneutic dimensions, which call for inner logic, deeper meaning, and purpose in human activities and social phenomena, questioning those who experience or participate in them. For this purpose, it focuses less on cause-and-effect relationships between phenomena and more on values, meanings, attitudes, beliefs, etc. (Džogović and Bajrami 2023, 165).

During the statistical data processing, the goal was to get answers from students active in international political-economic relations and diplomatic and consular law courses. The instrument used is a survey questionnaire with 24 statements related to the research subject and two questions related to gender and the faculty from which the respondents come. In addition to more straightforward tests such as t-test and ANOVA, more complex statistical tests were used, namely regression analysis and multiple analysis of variance (MANOVA).

Before processing, the data was tested with factor analysis, which proved statistically significant. This analysis, which helps identify the underlying factors that explain the correlations between variables, defined the factors very well and grouped the statements into seven elements, which proved to be an excellent move in further data processing.

Research Hypotheses

This article aimed to explore students' understanding and their views on the role and importance of science diplomacy as one of the most important economic tools to help optimize the outcome of negotiations in international trade contracts. The specific goal was to deepen the field of science diplomacy, which requires international scientific communication and effective research and innovation cooperation.

Following the objective of the research, the following hypotheses are posed:

H1. There is no statistically significant difference between male and female students in the perception of the role and importance of science diplomacy in negotiating international business contracts.

H2. There is no statistically significant difference between students according to the department they follow in the perception of the role and importance of science diplomacy in the negotiation of international business contracts.

H3. Science diplomacy involves a good knowledge of data analysis and critical thinking, managing the effects of scientific uncertainty, distinguishing science from pseudoscience, and identifying credible sources of information, thereby contributing to uncovering common interests and achieving better results in negotiating international business contracts.

RESEARCH RESULTS AND DISCUSSION

Hypothesis Verification Results

Before starting the analysis of the hypotheses put forward, it is necessary to carry out a factor analysis according to the research carried out and the complexity of this research.

Table 1: KMO and Bartlett's Test (Source: Authors' analysis in SPSS)

KMO and Bartlett's Test		
Kaiser-Meyer-Olkin Measure of Sampling Adequacy		.607
Bartlett's Test of Sphericity	Approx. Chi-Square	832.233
	Df	274
	Sig.	.000

Table 1 shows that the KMO indicator is 0.607, and Bartlett's test is significant because of Sig. = .000, and the factor analysis is justified. The same can be explained by an already known fact and a way of checking whether the factor analysis is justified or not, which is by observing whether the value of the Kaiser Meyer Olkin Measure of Sampling (KMO) indicator is equal to or greater than 0.6 and whether the value of the Bartlett Test of Sphericity is significant, i.e., whether Sig. is 0.05 or less. In our case, as we mentioned at the beginning of this paragraph, the justification of the factor analysis was confirmed.

Table 2: Total Variance Explained (Source: Authors' analysis in SPSS)

Total Variance Explained						
Component	Initial Eigenvalues			Extraction Sums of Squared Loadings		
	Total	% of Variance	Cumulative %	Total	% of Variance	Cumulative %
1	4.134	16.781	17.781	4.268	17.782	17.782
2	2.020	10.122	27.403	2.430	10.124	27.906
3	1.771	7.378	35.284	1.771	8.008	35.284
4	1.558	6.492	41.776	1.558	7.492	41.776
5	1.121	5.131	46.907	1.232	6.139	46.907
6	1.175	4.896	51.803	1.175	5.896	51.803
7	1.102	4.593	56.396	1.102	4.593	56.396
8	1.069	4.454	60.850			
9	.932	3.443	64.760			
10	.873	3.637	68.371			
11	.841	3.504	71.875			
12	.755	3.146	75.021			
13	.697	2.903	77.924			
14	.648	2.701	80.625			
15	.630	2.624	83.249			
16	.595	2.479	85.728			
17	.551	2.295	88.022			
18	.537	2.237	90.259			
19	.478	1.992	92.251			
20	.463	1.929	94.180			
21	.398	1.658	95.839			
22	.388	1.615	97.453			
23	.317	1.322	98.776			
24	.294	1.224	100.000			

Table 2 shows how many components or factors we choose. According to the Kaiser criterion, we are only interested in components with a value of 1 or more. To determine how many components meet this criterion, we refer to Table 4. In our case, the first seven components have eigenvalues greater than 1. These seven components explain more than 60% of the variance.

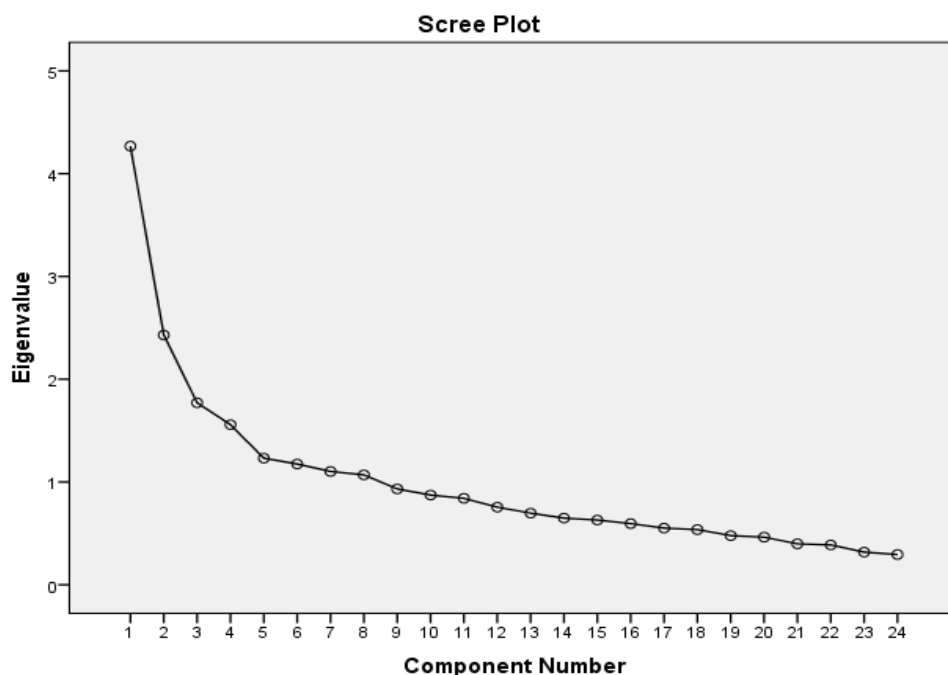


Diagram 1: Screen Plot (Source: Authors' Analysis in SPSS)

If we look at Diagram 1, which represents the Screen Plot, i.e., the curve diagram, components 1 to 7 explain a much larger part of the variance than the other components. Based on this diagram, it is recommended to separate seven components, i.e., seven factors. There may be some other components or factors. Still, knowing the essence of factor analysis, the concept of interpreting the results, and how we interpret them, we can say that we do not follow strict and solid statistical rules.

Table 3: Factors of the Factor Analysis (Source: Authors' analysis in SPSS)

Ordinal Number	Factor	Question/Assertion
1	Complexity	1., 3., 4.
2	Differences_negotiation	2., 22., 23.
3	Contract	4., 15., 17.
4	Defining_science	5., 6., 7., 9., 10.
5	Importance	8., 14., 16., 18.
6	Diplomat	11., 12., 13.
7	Investment	19., 20., 21.

Hypothesis 1. There is no statistically significant difference between male and female students in the perception of the role and importance of science diplomacy in negotiating international business contracts.

Table 4: T-Test: Differences in the Perception of the Role and Importance of Science Diplomacy Between Male and Female Students (Source: Authors' analysis in SPSS)

Independent Variables		N	M	SD	t-value	<i>p</i>
Gender	M	89	2.9925	.28089	-1.002	.242
	F	101	2.9526	.24274		

Table 4 shows that the value of $t = -1.002$ and its significance is $\text{Sig.} = .242$, above the threshold value of 0.05. Analyzing this issue, we see that there is no statistically significant difference between respondents regarding gender, where the value is $M = 2.9925$ for male respondents and $F = 2.9526$ for female respondents, and with a higher standard deviation for female respondents $SD = .24274$ compared to male respondents $SD = .28089$. This, therefore, indicates the absence of a statistically significant difference between respondents' gender in the perception of the role and importance of science diplomacy in negotiations on international business contracts.

Understanding the importance of science diplomacy in negotiating international business contracts regarding women's views and attitudes on this issue is a complex topic that requires a nuanced approach. Our explanatory research approach incorporated multiple perspectives to understand this topic comprehensively. In this way, we compared sensitive concepts using theoretical and empirical data sources, gaining insight into how both genders view science diplomacy and its role and importance in advancing the negotiation of international business contracts. Therefore, this study is an additional contribution to the current debate on the role of gender in science diplomacy and to the clarification of the complexity of this important topic in international business practice and the academic community. After extensive research on this topic, we have obtained some interesting findings regarding the perspectives of male and female students on the concept of science diplomacy in international business negotiations. Notably, our study indicates that gender is not a determining factor in how individuals perceive the importance of applying scientific knowledge to attain more favorable outcomes in the global marketplace. This finding underscores the notion that both men and women possess a sophisticated understanding of the value of scientific knowledge in international business.

Hypothesis 2. There is no statistically significant difference between students according to the department they follow in the perception of the role and importance of science diplomacy in the negotiation of international business contracts.

Table 5: Multivariate Significance Tests Among Students Based on Their Study Programs

(Source: Authors' analysis in SPSS)

Effect		Value	F	Hypothesis df	Error df	Sig.	Partial Eta Squared
Intercept	Pillai's Trace	.744	432.781 ^b ₂	3.000	417.000	.000	.744
	Wilks' Lambda	.019	432.781 ^b	3.000	417.000	.000	.744
	Hotelling's Trace	14.894	432.718 ^b	3.000	417.000	.000	.744
	Roy's Largest Root	14.894	432.718 ^b	3.000	417.000	.000	.744
T1	Pillai's Trace	.028	4.237	3.000	417.000	.000	.201
	Wilks' Lambda	.247	4.237 ^b	3.000	417.000	.000	.201
	Hotelling's Trace	.028	4.237	3.000	417.000	.000	.201
	Roy's Largest Root	.028	4.237 ^c	3.000	417.000	.000	.201

A series of multivariate significance tests tell whether the groups are statistically different by a linear combination of the dependent variables. Several indicators are available - Wilks's Lambda, Hotelling's trace, and Pillai's trace. However, the one that is most used in research and which best shows the results of statistical analysis is Wilks's Lambda, which many authors recommend. If we look at the value of Wilks's lambda, it indicates the level of significance of differences between groups. Here, it is 4.237, and its significance is 0.247, which suggests that there is no statistically significant difference between students according to the study program they follow in the perception of the role and importance of science diplomacy in negotiating international business contracts.

Students' understanding of the role and importance of science diplomacy in negotiating international business contracts also did not differ according to the study program they attended. The main factors that influenced their understanding of this research problem are the content of the study program and the available sources of contemporary literature. Their knowledge of issues related to the topic above is mainly shaped by their scientific training acquired within the scope of the program they attend at the university. The results revealed that students' perceptions were positively related to courses dealing with international political and economic relations, diplomatic-consular law, economic diplomacy, and international negotiations. This suggests that the quality of teaching across all programs plays an essential role in understanding the negotiation of international commercial contracts. In this context, most respondents agree that science diplomacy benefits all parties negotiating international business contracts, as it integrates multidisciplinary educational models.

Table 6: Between-Subjects Effects Test Results: Students' Attitudes Towards Their Department at the Faculties Regarding the Research Topic (Source: Authors' analysis in SPSS)

Source	Type III Sum of Squares	Df	Mean Square	F	Sig.	Partial Eta Squared
Corrected Model	.482 ^a	4	73.443	133.482	.103	.000
	172.634 ^b	4	4.129	60.085	.060	.004
Intercept	413.236	1	525.385	950.154	.059	.412
	169.700	1	132.727	1213.191	.049	.424
T1	415.477	4	63.431	122.241	.062	.212
	16.311	4	7.998	32.083	.008	.017
Error	11.613	218	.442			
	19.656	218	.210			
Total	242.020	223				
	344.081	223				
Corrected Total	423.027	222				
	62.244	222				

The Tests of Between-Subjects Effect results in Table 6 shows whether the difference is visible for all measures or only for some. Since, in our case, it is indicated in Table 5 that there is no statistically significant difference, it does not need to investigate the differences by all criteria because the previous multivariate tests are not significant, which is an indicator of, if not the same, then very similar attitudes on this basis.

Hypothesis 3. Science diplomacy involves a good knowledge of data analysis and critical thinking, managing the effects of scientific uncertainty, distinguishing science from pseudoscience, and identifying credible sources of information, thereby contributing to uncovering common interests and achieving better results in negotiating international business contracts.

Table 7: Correlation Coefficient and Coefficient of Determination (Source: Authors' analysis in SPSS)

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.988 ^a	.971	.279	38.499

Table 7 shows that the results of R (correlation coefficient) and R² (determination coefficient) are very important. This table shows that R = .988. The value of R² (R Square) is R² = .971. Therefore, the role and importance of science diplomacy in negotiations of international business contracts can be explained by an aggregate variable with a percentage of even 97%, which includes knowledge of data analysis and critical thinking, managing the effects of scientific uncertainty, distinguishing science from pseudoscience, and recognizing credible sources of information - the error in estimation or Std.Error of the Estimate values to 38,499, which represents a minimal error, and the results of R and R² can be taken as reliable, but certainly taking into account the Adjusted R Square data that confirms those above.

Table 8: ANOVA (Source: Authors' analysis in SPSS)

Model		Sum of Squares	Mean Square	F	Sig.
1	Regression	79298.221	1244.043	18.432	.000 ^b
	Residual	79448.259	342.473		
	Total	158746.480			

Table 8. ANOVA shows the F coefficient and its significance Sig. Its value is $F = 18.432$, statistically significant at the conclusion level $p < 0.01$ because of its Sig. Value. = 0.000. It also shows that the overall regression is significant. The Sum of Squares and the Mean Square represent results that ultimately do not affect the conclusion on whether the regression is significant or not. The conclusions drawn are based on the data presented in Table 5, specifically the F and Sig. values.

Table 9: Beta Coefficients (Source: Authors' analysis in SPSS)

Coefficients ^a						
Model		Unstandardized Coefficients		Standardized Coefficients	T	Sig.
		B	Std. Error	Beta		
1	(Constant)	94.082	9.322		13.229	.000
	nez_nast	71.488	1.144	.832	2.494	.000

In this analysis, the variable "nez_nast" functions as the predictor variable to evaluate the regression's efficacy. The coefficients are detailed in Table 9, denoted "Coefficients", wherein the Beta coefficient serves to quantify the magnitude of the predictor variable. Notably, the Beta coefficient registers at 0.832, with a t-value denoting statistical significance ($p < 0.001$). However, within this framework, the Standard Error (Std.Error) value of 1.144 and the coefficient "B" value of 71.488 lack statistical significance. Consequently, the conclusion articulated after the preceding paragraph is reaffirmed.

Seven factors of the factor analysis were decisive in defining the hypotheses (Table 3). We chose three based on the overall rating. At the beginning of the statistical analysis with a t-test, it was determined that there is no statistically significant difference between genders regarding the understanding of the concept of science diplomacy. The next step was to examine the difference between students according to the department of study they follow at the Faculty of Law of the University "Haxhi Zeka" (Bach. and MA) and the Faculty of Law of the University "Ukshin Hoti" (Bach.) in Prizren in the context of the perception of the role and importance of science diplomacy in negotiations on international business contracts whose non-existence was also confirmed. An important indicator that should be considered when trying to understand the importance and role of science diplomacy in global business is that it affects the discovery of common interests of the negotiating parties and achieves better results in negotiations on international business contracts.

The plurality of respondents believes that science diplomacy requires experts with a strong foundation in international political and economic relations, diplomatic history, and international public law, as well as a combination of this knowledge, specialized skills, and mental flexibility. In addition, the survey results show that almost all respondents agree that science diplomacy will improve economic and trade relations as the main focus of international relations in the 21st century since it plays a vital role in international business negotiations, finding common interests, and building a better future. For these reasons, diplomats and researchers should promote science diplomacy as a leading tool in developing and improving international business and international relations.

Expected Scientific Contribution

The scientific contribution of the article is in popularizing the importance of science diplomacy in negotiating international business contracts. The authors emphasize the need for objective, scientifically relevant criteria of diplomacy that should be applied regardless of economic, political, and legal differences between nations. In this context, the article represents a valuable contribution to the scientific community, shedding light on a topic often neglected in the business sector.

This study offers several valuable insights, both theoretical and practical, including a better understanding of science diplomacy and its central role in international business relations. In addition, the article promotes further research in international business diplomacy that deserves wider scholarly attention.

This article points to the value and effectiveness of science diplomacy in negotiating international business contracts. At a time when the internationalization of research and development has intensified competition between countries in some key technologies, the activity of science diplomacy is a new vision of the world that emphasizes negotiating power.

CONCLUSION

Science diplomacy is a strategic approach that involves leveraging scientific knowledge and actions to foster better international relations and encourage global cooperation. According to studies conducted by Ruffini (2022), this approach prioritizes core values such as trust, understanding, and transparency (p. 90). In today's highly interconnected world, it's crucial to recognize the interdependence of different types of diplomacy, including economic, cultural, scientific, and technological approaches. However, it's also essential to maintain the specificity of scientific efforts to align with a country's national self-determination and concentrate on developing those directly involved in scientific work. In this way, science diplomacy can help promote mutual understanding, build trust, and facilitate collaboration among countries across the globe.

Success in international business requires a specialized approach that recognizes each country's unique needs and interests. This is where science diplomats have a vital role to play. Their experience in identifying shared interests and building bridges between national and global economies is invaluable. Thus, through their efforts, science diplomats are helping to

develop international cooperation, paving the way for a better future at all levels of political-economic development. Therefore, science diplomacy is a complex and nuanced approach that requires the joint work of scientific experts, policymakers, and diplomats. The ultimate goal is to use scientific knowledge and expertise to advance nations' interests worldwide. This can include responses to various challenges, such as economic downturns, climate change, public health crises, and security threats. In this context, by combining the resources and expertise of scientific research and development, countries can work to achieve common goals and create a more harmonious and cooperative world order.

In our opinion, directing science diplomacy to ministries means new roles for diplomats, which should include employers from universities and scientific institutions. Therefore, universities must focus more on training science diplomats. In these circumstances, a connection can be found between science diplomacy and negotiations: negotiation becomes a critical skill in developing science diplomacy, and science in the negotiation context leads to a compromise based on mutual respect and relevant information.

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Suada A. Džogović: conceptualization, methodology, software, original draft preparation and supervision. **Anita Cucović:** conceptualization, data curation, writing, reviewing and editing. **Armand Krasniqi:** visualization, investigation, writing and validation.

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TAIWAN'S INTERNATIONAL LEGAL STANDING: NAVIGATING THE FRAGILE *STATUS QUO*

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Abstract: *This study aimed to discuss the legal limbo of Taiwan, whose political situation lies in a grey area of international law. Its legal status is ambiguous: while meeting the characteristics of a State, it is not recognized by other States so long as China claims it as a Chinese territory. The methodology developed in this study adopted the descriptive analytical approach to the different principles of international law, in addition to quantitative methods, which involved gathering data on cases, courts, and resolutions of international organizations, followed by thorough analysis. This research provided an in-depth investigation to critically assess Taiwan's fragile status quo, threatened by a potential Chinese military intervention. The study found that the idea that Taiwan is deprived of legal status points out the shortcomings of international law. This study concluded that to overcome this tricky situation, Taiwan should take bold moves, such as making constitutional reforms to facilitate its independence.*

Keywords: *Recognition; Status Quo; Taiwan Strait; Resolution 2758; Use of Force; China*

INTRODUCTION

The international political situation of Taiwan lies in a grey area of international law because of the difficulties that arise around its ambiguous legal status. While Taiwan lacks official international recognition in diplomatic relations, it possesses other vital elements of statehood: a population, a territory, and a democratic government. For Judge Lauterpacht, "even though a state may exist as long as it fulfills the conditions of statehood laid down by international law, it is the recognition of other states that establish ordinary diplomatic relations and materializes the rights and obligations of the recognized State" (Crawford 1998, 22). From an international law perspective, China and the ROC (Taiwan's official name is the Republic of China) still maintain the relationship of "one country, two governments" as, according to the constitution, the definition of the ROC territories still includes mainland China. Nonetheless, international law does not respond to its legal status. With the characteristics of a state, Taiwan is a legal limbo: it is not recognized by other states so long as China claims it as a Chinese territory. The UN practice does not facilitate the issue for Taiwan. For instance, after the 1999 earthquake in Taiwan, former Secretary-General Kofi Annan asked UN agencies to wait for China's approval before the United Nations Office for the Coordination of Humanitarian Affairs and relevant agencies sent the disaster assessment team to what he called "the Taiwan province of China" (Nguyen 2022).

The current definition of statehood raises legal questions about whether coming to defend Taiwan against using force would be lawful under the UN Charter. Firstly, if it applies to

UN membership, this will come up against the provisions of the Charter. Indeed, Article 4 stipulates that the condition to be admitted relies on the General Assembly upon recommendation of the Security Council. However, China, as a permanent member of the Council, can veto its entry. Secondly, seeking international recognition may provoke Chinese use of force, which may not be unlawful, as under Article 2(4) of the UN Charter, the use of force is prohibited against the territorial integrity of states, and Taiwan is not declaring itself a state.

However, suppose we argue that Article 2(4) of the Charter of the United Nations does not apply to Taiwan based on China's assertion. In that case, it is an integral part of its territory; another part of the debate challenges this idea based on legal precedents proving that states cannot use force against people who continue self-determination that *de facto* regimes can be included in Article 2(4) and that states must settle disputes with non-states by peaceful means under Article 33 of the Charter of the United Nations (Ediger 2018).

According to state practice, states must respect the borders of *de facto* regimes and consider it illegal to change them by force (Frowein 2013). As for Randelzhofer and Dorr, in their UN Commentary, they argue that "it is almost generally accepted that *de facto* regimes exercising their authority in a stabilized manner are also bound and protected by Article 2(4)" (Randelzhofer and Dorr 2012). For some scholars, the *de facto* regime is a territory over which a government has exercised stable control in opposition to another state's claim for a certain period (Frowein 2013), for example, the German Democratic Republic before 1972, North Cyprus, South Ossetia, and North Vietnam before reunification (Frowein 2013).

This study endeavors to discuss the intricate international legal status of Taiwan, a jurisdiction embroiled in a complex web of legal and political dynamics. By shedding light on the underlying reasons driving Taiwan's current legal and political turmoil, this research aims to clarify the subject. First, while it fulfills all the criteria of statehood outlined in the Montevideo Convention, it is still not recognized as a state. In addition, its constitution does not help as it does not guarantee its independence. Second, this paper analyzes the UN General Assembly Resolution 2758, which expelled the Republic of China from the UN. It represents a significant obstacle to its recognition by the international community. Finally, this study explores the fragile *status quo* that can potentially preserve it against the use of force by China.

LITERATURE REVIEW

The fact that the international situation of Taiwan lies in a grey zone of international law has impacted the different authors' arguments on its legal and political crisis. In the entity that dares not speak its name, the argument by Crawford (2006) that "despite the fact that the suppression of 23 million people cannot be consistent with the UN Charter, Taiwan is not a state because it still has not unequivocally asserted its separation from China and is not recognized as a state distinct from China" (p. 219), was not persuasive for some authors because recognition can be a Pyrrhic victory. For a good reason, the international order conferred recognition on some countries, and the international community mostly stood by while their boundaries were grossly violated (Roth 2009).

The UN has fundamentally changed people's understanding of states and their rights and duties. Today, when people talk about the concept of a state, they talk about it in the

context of the contemporary international law system. An entity enjoys rights and privileges and bears the related obligations not because it has satisfied specific criteria but because it has been admitted to the UN. In this sense, statehood begins only after admittance to the UN (Liu 2012). So, the current definition of statehood is raising legal questions about whether coming to the defense of Taiwan would be permitted under an international legal framework such as the UN Charter (Fang 2023) because Taiwan's geopolitical situation shows that arguments based on the Westphalian conception of statehood - states are the only subjects of international law - create absurd results (Ediger 2018).

In "Taiwan's International Personality: Crossing the River by Feeling the Stones" (1998), Angeline G. Chen examines Taiwan's *de facto* statehood and establishes that it is an independent and sovereign state, prevented from seeking international recognition because of China's illegal threats of force (Chen 1998). Chen (1998) argues that to obstruct Taiwan's bid for statehood further, China has threatened to prohibit trading access to its markets to any nation that acknowledges Taiwan's claim of sovereignty.

Others think if a state could be described as independent *de facto* but not *de jure*, this would mean that its *de jure* situation would be qualified by one of three possibilities: non-existence, dependence on another state, or independence under another name. However curious, the argument that the Republic of China does not exist is nevertheless supported here and there (Corcuff 2005). Nonetheless, to declare Taiwan legally nonexistent is, at best, an aberration and, at worst, an argument employed to appease China or to oversimplify a problem one chooses not to comprehend. Taiwan, recognized as the Republic of China, issues passports accepted by customs officials worldwide, except in China. This amounts to admitting the legality of documents that can only emanate from a sovereign country.

On the other hand, the island of Taiwan is governed by elected legislative, executive, and judicial bodies. These bodies consistently generate legal materials that are applied and lead to litigation. It is, above all, accepted as such by states that negotiate on various levels with Taiwan, once again, at least if the admission of the legality of this legal matter does not imply an explicit recognition of the sovereignty of the regime (Corcuff 2005).

While some authors ponder whether Taiwanese nationalism inevitably evolves into *de jure* official Taiwanese independence, potentially sparking a direct conflict with China's "One-China principle" (Lin 2021), others contend that Taiwan's democratization has nurtured a fresh sense of Taiwanese nationalism centered on safeguarding the island's democratic liberties. Consequently, the Taiwanese populace increasingly views themselves as a distinct political and social entity separate from the mainland. Thus, despite similar historical and cultural backgrounds, China's undemocratic political system has led the Taiwanese people to increasingly identify as Taiwanese rather than Chinese (Li and Zhang 2017). However, despite the growth of Taiwanese identity over the past two decades, most of the population supports some form of the *status quo*. The possibility of a nationalist movement will be less affected by a growing sense of Taiwanese identity and more by the perceived aggressiveness of China against Taiwan (Lin 2021). So, even though the ROC inhabitants increasingly identify as Taiwanese, their strong preference for peace over armed conflict with China instead of *de jure* independence helped shape Taiwan's relations with China (Roy 2017).

In 1999 and 2002, Taiwan's decision to issue provocative political statements to challenge the *status quo* quickly intensified cross-strait tensions concerning the fragile situation in the Taiwan Strait. The United States' prompt assurance to China of its firm support for the One-China policy and its condemnation of Taiwan's actions helped China to realize its bargaining power over the island. It averted potential crises across the Taiwan Strait (Fravel 2008). The security situation makes many observers, especially in the United States, fear a confrontation that could result in armed conflict, with more than uncertain consequences, because we can imagine many actors not remaining insensitive to a crisis that would hit two major trading powers. With the North Korean nuclear crisis, the dispute between Beijing and Taipei is thus the most significant security challenge in the region (Courmont 2011). It revolves around a historical-cultural dispute and today relies on, on both sides, the evolutions of a nationalist discourse with vague contours that could precipitate events. Except for an unlikely spontaneous invasion by Chinese forces, the destabilizing element in the Beijing-Taipei relationship is a hypothetical declaration of Taiwan's independence (Courmont 2011), as the notion that military deterrence can be a powerful tool for Beijing to dictate the terms of Taiwan's political future (Wu 2018).

RESEARCH METHODOLOGY

The methodology developed in this study adopts the descriptive analytical approach to the different principles of international law. The research will seek to provide an in-depth investigation to critically assess the complicated situation in which Taiwan stands by exploring different vital factors and actors as well. The approach utilized in this study should examine the primary factors contributing to the deficiencies of international law. This study relies on fundamental resources, including but not limited to literary publications, scholarly periodicals, and online articles. It constitutes empirical legal research, requiring critical thinking skills to evaluate pertinent facts and information. Adopting quantitative legal research methods involves gathering data on cases, courts, and resolutions of international organizations, followed by thorough analysis. Additionally, the research incorporates discourse analysis, scrutinizing the arguments advanced by institutions to rationalize their exercise of discretion or political choice, such as selecting a particular interpretation of the law.

Furthermore, this paper delves into critiques regarding the interpretation practices of international legal institutions. It proposes alternative approaches, often suggested in legal commentaries on UN resolutions by legal scholars. Upon completing the explanation and analysis of the various elements and components of the research problem, the most crucial step in the analytical descriptive framework is compiling a summary or results from the research approach based on all the steps mentioned above. Therefore, the results must be organized, persuasive, and connected to the research objectives and questions. Within these findings, we aim to identify suitable solutions and offer research recommendations.

THE DILEMMA OF THE TAIWANESE CONSTITUTION

Taiwan's statehood is in troubled waters (Gazzini 2023) as international law does not clearly answer its legal status (Charney and Prescott 2000). It is a contested state for some authors because while possessing the criteria of a fully ledged country, Taiwan has not obtained international recognition (Henderson 2013). International jurists describe Taiwan evasively. For some authors, it is a territory legally belonging to China (Orakhelashvili 2021), an entity probably *de jure* part of China (Shaw 2021), a *de facto* government in a civil war (Crawford 2007), a country with a particular context (Brownlie 2003), or *personnalité pas plénière* (Daillier, Pellet, Nguyen Quoc Dinh, Miron, Forteau 2022). While some authors regard China and Taiwan as examples of a divided state (Von Glahn and Taulbee 2019), others admit the existence of two independent states (Wright 1955). One of the primary reasons supporting the arguments is the constitutional dilemma faced by the Republic of China (ROC).

If borders are a fundamental element of territorial sovereignty, the 1951 San Francisco Peace Treaty ended Japanese imperialism over Taiwanese territory but legally never resolved Taiwan's post-decolonization status (Lee 1997).

While questioning the varying interpretations of the notion of borders in Taiwan, the author Stéphane Corcuff (2005) asks, "If Taiwan is a sovereign state, shouldn't it necessarily have a border with China?" (p. 9). Indeed, there is a legitimate cause for concern as Taiwanese borders remain exceedingly ambiguous. Article 4 of the Constitution stipulates: "The territory of the Republic of China according to its existing national boundaries shall not be altered except by resolution of the National Assembly". It is important to recall here that the preliminary text of the Constitution of the Republic of China was drafted in 1937, and if it concerned mainland China, the island of Taiwan, under Japanese rule, was not yet part of it. The term "existing borders" was thus chosen by the Constituents in 1946, after the island was attached to China, and, by its lack of clarity, implicitly indicates that the Taiwanese constitution does not recognize the existence of a real border with China (Courmont 2011). When the ROC Constitution was revised in 2005, it merely shifted the authority to alter the ROC's national territory from the National Assembly (now called the Legislative Yuan) to that of a public referendum. However, a referendum to delimit Taiwan's territory has never been passed or held (Sher 2023). These observations highlight a concerning disparity between a constitution that appears to belong to another era and the current reality of a society that perceives itself as entirely independent (Courmont 2011).

Moreover, the current Constitution of the Republic of China does not guarantee Taiwanese sovereignty as it affirms that the People's Republic of China (PRC) and the Republic of China (ROC) occupy the same territory. That means if a war breaks out between the two countries, it would be classified as a domestic conflict under this constitution, which therefore prohibits any form of foreign aid in conformity with the principle of non-intervention set forth by Article 2 (7) of the United Nations Charter (Fang 2002, 3). So, some legal scholars proposed to renew the Taiwanese Constitution by passing an amendment that all new articles supersede all existing ones (De Lisle 2004). The difficulty is that any new constitution seeking to assert Taiwan's statehood will still rely on the Chinese Constitution if its name or content contains any reference to the mainland.

The Government of Taiwan, through the Continental Affairs Council, qualified the situation with China as a “common sovereignty, separate jurisdiction” in the 1990s. However, this pragmatic analysis cannot sidestep the acknowledgment of a border. The absence of a border between the two entities gives rise to legal and political complexities. According to Corcuff (2005), by relinquishing its official name, ROC, Taiwan’s severance of its symbolic and legal ties with China would substantiate Taiwan’s material and legal independence. Nonetheless, if the official name of the Republic of China is entirely abandoned, it would inevitably entail the redefinition of the regime’s borders.

An analysis of the constitutional block reveals that, in theory, no boundary is constitutionally defined between Taiwan and China. This is primarily due to the absence of any boundary definition within the constitution (Corcuff 2005). The original text of the Constitution of the ROC in Taiwan remains the sole legal document, and the absence of a border between the PRC and the island republic has yet to be addressed. Therefore, if the official borders of the ROC are restricted to Taiwan alone, does that signify Taiwan’s independence? However, as the international community does not recognize it, it is *de facto* independent, not *de jure*. Could a state be independent *de facto* but dependent *de jure*?

Even if the ROC does not declare itself independent, China has no sovereign powers regarding Taiwan, such as taxes, arms, foreign policy, financial instruments, institutions, and political symbols. They are all in the hands of the Taipei government, which does not share them with any other. Consequently, the idea of a legal dependence on fact or theory concerning another country is an argument destined to please but does not honor the one who holds it (Corcuff 2005).

While James Crawford (2006) affirms that “the suppression of 23 million Taiwanese people cannot be consistent with the UN Charter and therefore to that extent there must be a cross-strait boundary for the use of force, he asserts that Taiwan is not a state because it still has not unequivocally asserted its separation from China and is not recognized as a state distinct from China” (p. 219). However, for some authors, his analysis is not persuasive on the merits, as the tacit position of some reacting states determines whether an entity possesses the rights, obligations, and immunities of statehood (Roth 2009).

Others argue that Taiwan is an independent and sovereign regime *de facto* and *de jure*, not as the Republic of Taiwan but as the Republic of China, this being the constitutional and legal continuation of the regime founded in China in 1912, which is now reduced to the island of Taiwan and its offshore islands, the archipelago of Pescadores, Kinmen, and Matsu, but whose constitutional borders remain for the moment, for political reasons, those of the Republic of China before the division of 1949 (Corcuff 2005).

Nonetheless, under Chinese pressure, Taiwan’s recognition has weakened: since 2016, eight countries have broken off their diplomatic relations with the island, the latest being Nicaragua, in December 2021. In 2022, only 15 countries officially recognized the Republic of China, Latin America, the Pacific, and the Vatican. This does not prevent the country from maintaining diplomatic relations with many nations since it has 111 representations in 74 countries (Dagorn 2022). In 1971, the UN General Assembly passed Resolution 2758, effectively recognizing the People’s Republic of China (PRC) as the sole representation of China with a seat in the UN Security Council.

THE 1971 UNGA RESOLUTION 2758

The United Nations General Assembly Resolution 2758 (also known as the Resolution on Admitting Peking) was passed in response to the United Nations General Assembly Resolution 1668 that required any change in China's representation in the UN be determined by a two-thirds vote referring to Article 18 of the UN Charter. China was one of the original 51 Member States of the United Nations, which was created in 1945. At that time, the Republic of China (ROC), led by the Kuomintang (Chinese Nationalist Party), governed mainland China and Taiwan. The Republic of China (ROC) army was engaged in a civil war with troops led by the Chinese Communist Party (CCP). In 1949, the CCP proclaimed the People's Republic of China (PRC) in Beijing. The remaining mainland ROC forces were compelled to retreat to Taiwan, which Japan had evacuated in 1945 and renounced all rights, titles, and claims to in the Treaty of San Francisco in 1951. After January 1950, the PRC controlled mainland China but could not capture Taiwan, Penghu, Matsu, and Kinmen. Therefore, these areas remained under ROC rule (Ediger 2018).

The PRC claimed to be the successor government of the ROC, while the Kuomintang in Taiwan championed the continued existence of the Republic of China. Both claimed to be the only legitimate Chinese government, and each refused to maintain diplomatic relations with countries that recognized the other. It is crucial to emphasize that until 1971, the Republic of China (ROC) was a founding member of the UN. Following Article 23(1) of the UN Charter, it also held a seat as a permanent member of the Security Council (Gazzini 2023) until it was expelled by the UN General Assembly Resolution 2758.

The 1951 Peace Treaty between the Allied Powers and Japan required Japan to renounce all its "rights, title, and claims" to Taiwan without specifying any beneficiary state. The treaty formally terminated Taiwan's status as a colony of Japan (Ediger 2018). Thus, Taiwan was legally detached from Japan but was not attached to China or any other country. The shared expectations of the parties to the Peace Treaty were that Taiwan's legal status, though temporarily left undetermined, would be decided at an opportune time by the principles of the United Nations Charter, particularly the principles of self-determination (Chen 1998). The United Nations failed to adopt a "One China, One Taiwan" formula to resolve the Chinese representation in the UN. According to the "One China, One Taiwan" formula, both China and Taiwan would have been seated as separate states in the UN, with the People's Republic of China (PRC) occupying China's permanent seat in the Security Council (Chen 1998).

When examining the legality of the internal legal force of the UNGA Resolution 2758 of 1971, we find out that it recognizes China as a sole representative of Mainland China but does not regulate the status of Taiwan.

More than half a century after adopting this text on the continent, Resolution 2758 accelerated the end of Taiwan's isolation, notably recognized in 1979 by the United States. As for China, the text has since acquired within the UN an influence often commented on, and one of the objectives, to be achieved by force so necessary, remains the capture of Taiwan, conceived as the completion of a national reunification (Detry 2023).

Suppose the Resolution does not present only historical interest. In that case, it is because it retains an essential place in the legal argument presented by the People's Republic of

China in support of its positions (Detry 2023). Regarding the effects of Resolution 2758, Article 10 of the United Nations Charter only gives the General Assembly the power to make recommendations on matters falling within the scope of the Charter. However, in addition to the legal effects of the resolutions issued by an international organization for its members, their effects can be considered within the organization itself. From this perspective, specific resolutions of the General Assembly, which are not deemed recommendations but rather decisions, may impose obligations not on the Member States of the United Nations but on the organization within its internal legal framework.

In summary, if the resolutions of the General Assembly can create obligations specific to the UN, they are not supposed to pose any for its members. This explains why China refers to Resolution 2758 as a “political document” (Detry 2023). Resolution 2758 is often presented as the text by which the Republic of China was expelled from the UN. It is true that the text “decides” - which suggests that the Resolution is binding within the UN, independent of its members - “to expel forth with the representative of Chiang Kai-Shek from the place which they unlawfully” (Detry 2023, 6). But here we note that the expulsion does not target a state, only its representatives, whose organization recognizes the implicit competence to control the legitimacy. Resolution 2758, therefore, did not concern the membership of a state to the UN, but the representation to the UN of a state considered to be the same since 1945 - China. The purpose was not to replace one seat with another but to change the occupants of a single seat. The two rival governments shared this view then (Detry 2023).

Moreover, the examination of the text shows that it cannot have the more extensive meaning that China today claims. The Resolution is limited to considering that: “the restoration of the lawful rights of the People’s Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter” (Detry 2023, 6). It recognizes that “the representatives of the Government of the People’s Republic of China are the only lawful representatives of China to the United Nations and that the People’s Republic of China is one of the five permanent members of the Security Council” (Drun and Glaser 2022).

Nonetheless, this Resolution is silent on the status of Taiwan, whose name does not appear in the text, nor that of the Republic of China, to which it is only referred by the turn already mentioned by the representatives of Chiang Kai-Shek. We look in vain for expressions like “Single China principle” or “One-China principle” (Ekman 2022). Hence, the following question arises: Can China not invoke Resolution 2758 as a binding decision in the domestic law of the United Nations to prevent any admission of the Republic of China, including Taiwan, as requested by its president Chen Shui-bian in 2007?

It is true that at that time, the Secretary-General of the United Nations, Ban Ki-Moon, believed he had to reject this candidacy by invoking Resolution 2758. He even asserted that, under this text, the UN considers Taiwan as part of China, an interpretation that sparked discreet but vigorous protests from several states, including the United States. In response, Mr. Ban Ki-Moon admitted that he had overstepped and stated that he would not attribute this position to the UN in the future (Drun and Glaser 2022).

This position was questionable in two ways: firstly, because the text does not address the status of Taiwan, and secondly, because it pertains to the representation of China rather than

the admission of Taiwan. Therefore, it only hinders an application from Taiwan if it is assumed that its admission is related to the representation of China. This assumption is only implicit if one first adopts the position of China itself, which claims that Taiwan is part of its territory (Drun and Glaser 2022).

It is important to emphasize that China endeavors to leverage Resolution 2758 to bolster its claim over Taiwan. Following a large-scale military exercise conducted in response to US House Speaker Nancy Pelosi's visit to Taiwan, the People's Republic of China (PRC) released a white paper outlining its strategy toward Taiwan, wherein it exaggerated the interpretation of Resolution 2758. Titled "The Taiwan Question and China's Reunification in the New Era", the white paper, published by China in August 2022, states: "Resolution 2758 is a political document encapsulating the One-China principle whose legal authority leaves no room for doubt and has been acknowledged worldwide. Taiwan does not have any ground, reason, or right to join the UN, or any other international organization whose membership is confined to sovereign states" (Fukuda 2022, 2).

This new white paper reinterprets the significance of the One-China principle and dedicates a substantial portion to explaining the UN General Assembly Resolution, citing it as the basis for China's claim that the principle is widely accepted by the international community (Fukuda 2022). As elucidated earlier, the fundamental assertion of the One-China principle by the People's Republic of China (PRC), which includes Taiwan as part of China, is not explicitly stated in Resolution 2758. Neither "Taiwan" nor "ROC" is mentioned in the Resolution. So, why is China emphasizing Resolution 2758 as the foundation for its One-China principle? (Fukuda 2022). Adopted in 1979, the One-China principle aims for "peaceful reunification, and one country, two systems". The core tenets of this principle and the relevant policies stipulate that China will strive for peaceful reunification but do not rule out the use of force (Liff and Lin 2022).

It is essential to highlight that after its expulsion, the Republic of China (ROC) has frequently attempted to apply for UN membership following Article 4 of the Charter, Rule 58 of the provisional rules of procedure of the Security Council, and Rule 134 of the Rules of Procedure of the General Assembly, which stipulate that the applicant must be a state (Gazzini 2023). However, the success of such a candidacy is rendered illusory as it requires the recommendation of the Security Council, where China holds a veto, and the decision of the General Assembly, where China is likely to rally a majority in favor. However, Detry considers that this is solely a matter of opportunity rather than a principle that would bind the organization. As such, Resolution 2758 does not seal Taiwan's fate within the UN. Indeed, it has a little legal impact on Taiwan's status outside the United Nations and international law (Detry 2023).

Under Chinese pressure, Taiwan's diplomatic recognition has waned. Since 2016, eight countries have severed their diplomatic relations with the island, the latest being Nicaragua in December 2021. As of 2022, only 15 countries officially recognize the Republic of China, primarily in Latin America, the Pacific, and the Vatican. Despite this, Taiwan maintains diplomatic relations with numerous nations, boasting 111 representations in 74 countries (Dagorn 2022). Since the late 1990s, China has actively pursued efforts within the UN system to promote the de facto recognition that Taiwan is part of China (Fukuda 2022). However, Taipei has not been deterred from seeking admission to the United Nations. On numerous occasions, the Republic of China (ROC) has explicitly asserted its independence and sovereignty (Gazzini 2023).

In March 2005, the One-China principle was set in stone by the vote in Beijing of the Anti-Secession law, which promotes reunification with Taiwan by peaceful means but allows the use of force in three scenarios: if Taiwanese separate Taiwan from China; if an incident could lead to separate Taiwan from China, and in the event of the disappearance of any possibility of peaceful reunification (Dagorn 2022). In reaction to the 2005 Anti-Secession Law, Taiwan declared that:

It is undeniable that the ROC is a sovereign and independent state (...) 'The Anti-Secession Law' - a domestic law unilaterally enacted by China - claims that Taiwan is a part of China and suggests that non-peaceful means may be arbitrarily employed by China to achieve unification. This is not only a violation of the principle of self-determination but also infringes upon the sovereignty of the ROC (Gazzini 2023).

Moreover, even if Article 2 (4) of the UN Charter does not protect territorial integrity or political independence, according to the 1970 UNGA Resolution 2625 on the Principles of International Law Concerning Friendly Relations and Cooperation among states, the prohibition of the use of force also entails that states must adhere to "the duty to refrain from any forcible action which deprives peoples (...) Of their right to self-determination and freedom and independence".

These scenarios are perceived as threats by the Taiwanese. Since then, despite remarkable economic development and the establishment of genuine democracy following the opposition's victory in 2000, Taiwan has existed in a precarious *status quo* (Dagorn 2022).

THE FRAGILE *STATUS QUO*

It can be argued that the *status quo* underscores the significant strategic divergence in the Sino-American relationship, and any alteration to the *status quo* could render the situation fragile. Indeed, the triangular relationship between the United States, Taiwan, and China is among the world's most crucial, intricate, and potentially volatile international relations. Maintaining a delicate balance is imperative for all parties to uphold a stable *status quo* and ensure peace in the Taiwan Strait. The hypothesis of this study posits that the *status quo* in the Taiwan Strait is under threat of being altered due to China's aggressive stance and the growing identity of Taiwan, coupled with the reactive and evolving US policy in the Taiwan Strait (Lin 2021). All three concerned parties must exercise restraint to prevent war in the Taiwan Strait. This entails Taiwan refraining from declaring independence, the United States refraining from recognizing Taiwan as an independent state, and China refraining from resorting to force against Taiwan.

Taiwan

What is the *status quo* between Taiwan and China? We have two states: one is primarily recognized and maintains a threat of invasion against Taiwan. At the same time, the other has been excluded from international organizations and does not appear sovereign, even though it

is indeed. To maintain the *status quo*, Taiwan has no choice, which implies that neither unification nor independence would be possible in the short term, but the importance of Taiwan in the international space will continue to grow, giving Taiwan more options and choices (Xue 2021). Indeed, it must maintain this *status quo*, particularly as the number of countries recognizing its sovereignty has dropped to 15 (Dagorn 2022).

In this regard, a Taiwan Public Opinion Foundation survey affirms that 48.9% of Taiwanese support independence, 11.8% support unification, and 26% support the *status quo* (Sher 2023, 1). Neither unification with China nor independence from Taiwan is the preferred option for the island's inhabitants. Instead, maintaining the *status quo* and having a vague attitude toward cross-border relations kept the majority position. Most Taiwanese citizens are concerned about a combination of maintaining the *status quo*, preferring neither unification with China nor Taiwan's declaration of independence (Yu 2017).

In November 2006, Taipei's Mainland Affairs Council declared that the *status quo* in the Taiwan Strait means that both sides across the Strait have no jurisdiction over each other. There is no issue of independence or unification between them (Roth 2009).

The problem is that the ability of Taiwan to maintain the *status quo* largely depends on the external environment: first, the *status quo* lies in the continuation of the US's external dominance in its military role in the region. The second condition is the confrontation between the United States and China. China's economic sanctions against Taiwanese pineapples and sugar apples and increased military pressure in recent years constitute the third force shaping the *status quo* (Xue 2021).

The current Taiwanese President, Tsai Ing-wen, affirms her predecessors' policy of maintaining the *status quo*. In October 2021, she declared, "Our position on cross-strait relations remains the same: neither our goodwill nor our commitments change (...) We call for maintaining the *status quo*, and we will do our utmost to prevent the *status quo* from being unilaterally altered" (Xue 2021, 1). It is important to stress that the former Taiwanese leader Ma Ying-jeou had founded a policy on the 1992 Consensus and "One China, Two Interpretations", which was based on the "Three No's" formula - "no unification, no independence, and no use of force" (Xue 2021).

Suppose Taiwan declares itself independent and China fails to prevent its recognition. This will disadvantage China because Taiwan would emerge as a country with advanced military technology and a powerful economy, positioned less than two hundred kilometers from China (Beckley 2017). Taiwan, armed by its thriving democracy, would be free to make strong alliances with fellow democracies like Japan and the US, establishing a line of potentially hostile military forces on China's shores (Ediger 2018). Thus, Taiwan would also be able to join the UN and other international organizations, with an indisputable right to protection under Article 2(4) and rights of self-defense and collective security under Article 51 (Ediger 2018).

On 13 January 2024, Lai Ching-te from the Democratic Progressive Party (DPP) won Taiwan's next presidential election. He is considered the strongest advocate for radical independence. Distrusted by China, he has already described himself as a "pragmatic worker for the independence of Taiwan" (The Economist 2024).

The United States of America

Taiwan matters to the US for both political and economic reasons. An ancient general like Mac Arthur referred to Taiwan from a military point of view as the critical geopolitical element in the geographical fact of relations between China and the United States in the Pacific. Henri Kissinger thought Taiwan and *de facto* the current world order owe the “strategical ambiguity” concept of the right strategical compromise (Couraye 2022). Taiwan is among several islands, including Japan and the Philippines, allied with the US. This makes Taiwan essential to ensuring the region’s security and US interests, like capping China’s power and maintaining an “asymmetric advantage” over China (O’Dell 2024). If China can’t control Taiwan in a region with US allies, China’s military will struggle to project power far beyond China’s shores. But if China could take Taiwan, it would be far more difficult for the United States to maintain a balance of power in the Indo-Pacific or prevent a Chinese bid for regional dominance” (O’Dell 2024, 3).

Despite recognizing the PRC as the sole legal government of China and the end of diplomatic relations with the ROC, the US maintained treating the ROC as a foreign state. Thus, the One-China Policy has enabled the US to enjoy this “strategic ambiguity” and build a robust unofficial relationship with the ROC (Couraye 2022).

It is not easy to maintain peace and stability in the Taiwan Strait. For some Americans, stability requires the US to provide Taiwan with the means to defend itself while respecting China’s red lines (Cher 2023). In 1979, the US Congress passed the Taiwan Relations Act, which redefined diplomatic relations with Taiwan and annulled all previous bilateral treaties. Washington no longer has its hands tied but continues to supply arms to Taipei to give it the means to ensure its military defense (Gazzini 2023). In August 2023, President Joe Biden approved \$80 million for Taiwan to buy US military equipment, marking the first time in four decades that “America is using its own money to send weapons to a place it officially doesn’t recognize”, according to the BBC (O’Dell 2024). Hence, the question is: The United States does not recognize Taiwan as a sovereign country, so why is it arming the island? The US has maintained a delicate balance between not officially recognizing Taiwan as a sovereign nation and arming the island to fend off any Chinese aggression. The US is concerned that expanding China could threaten its political and economic interests in the Asia-Pacific region (O’Dell 2024). However, the balance of power that prevailed in 1979 cannot remain the same in the current strategic context (Couraye 2022).

Indeed, the continuity of the American approach to the balance of power indicates that today’s *status quo* is no longer based on American hegemony but on a new balance of power. Because of the affirmation of the Chinese model, this *status quo* remains a reality of the balance of regional powers. That is why the US and the PRC insist that the two sides maintain the delicate *status quo* (Scobell and Stephenson 2022).

Ambiguity has been the essential mission of American leadership for as long as 1954, to define the *status quo*. The link between the US and Taiwan has always been complex, even ambivalent since the US repealed its 1954 mutual defense treaty. Today, unambiguous US support becomes crucial for Taiwan, as some would suggest containing this strategic vacuum because the reality of the US commitment to Taiwan was strengthened verbally, even though it was weakened militarily (Couraye 2022).

This posture of American policy towards Taiwan and its repercussions for the regional order led straight to January 1950 when President Truman affirmed, like Joe Biden in 2022 on Ukraine, “that the US will not intervene directly and militarily in a conflict involving Taiwan” (Couraye 2022, 4). In the name of the One-China Principle, the US recognizes the Chinese position that “there is only one China and Taiwan is part of China” (Couraye 2022, 4). As for Taiwan, it can count on the US position that stands out with the agreement of “Six Assurances”¹.

Amid so many others, the illusion of the *status quo* is explicit in a little diplomatic statement by Mike Pompeo in November 2020. While the Secretary of Defense Lloyd Austin declared, “Our policy in the Strait of Taiwan is unchanged and unwavering (...) unfortunately, that doesn’t seem true for the People’s Republic of China. We categorically oppose unilateral changes to the *status quo*” (Scobell and Stephenson 2022). Not only did the former US Secretary declare that “Taiwan was not part of China, and this was recognized with the work of the Reagan administration” (Couraye 2022, 5), but his recent invocation of Taiwan’s complete independence renders this interpretation indisputable. On 23 May 2023, Joe Biden declared that he would be prepared to use force to defend Taiwan as part of a series of critical comments on China during a press conference. This statement overall suggests a departure from the current American policy of strategic ambiguity regarding Taiwan, and it mainly highlights the fragility of American credibility and exacerbates ambiguity (Couraye 2022).

China

For the PRC since 1979, the *status quo* is fragile as Beijing has never ceased to reaffirm the One-China Principle and considers Taiwan a rebel province.

For Nathaniel Sher (2023), China seeks to undermine the *status quo*, as evidenced by official statements and military coercion toward the Island (Sher 2023, 3). Indeed, the 2022 visit to Taiwan by Nancy Pelosi, the US Speaker of the House of Representatives, which was followed by several days of Chinese military exercises, underscored how worrying the situation around the Taiwan Strait was. If the position of Beijing has not changed in recent decades, the increasingly strong desires of Xi Jinping, the Chinese president, to seize Taiwan by the necessary force destabilize the precarious and shifting *status quo* that has existed around the Strait since the second half of the 20th century (Dagorn 2022).

Indeed, Taiwan holds significant strategic importance for China, which harbors hegemonic ambitions. It transcends the notion of counterbalancing the United States and instead signifies an entry into rivalry with them. In Chinese discourse, the United States has consistently been portrayed as an external power to Asia. Taiwan is a substantial obstacle to China’s rejuvenation, prompting consideration of a potential armed conflict. According to Marianne Peron-Doise, “China aims to assert sovereignty over Taiwan by framing it as

¹ The “Six Assurances” represent six fundamental foreign policy principles of the United States concerning its relations with Taiwan. They were established as unilateral clarifications by the US subsequent to the Third Communiqué with the People’s Republic of China in 1982. These assurances aimed to provide reassurance to both Taiwan and the US Congress that the US would maintain its support for Taiwan, even if formal diplomatic ties were severed. Presently, the “Six Assurances” serve as semi-formal guidelines employed in managing the relationship between the US and Taiwan.

"reunification" although this term is highly inappropriate, given that Taiwan has never been part of China. There would be no genuine "reunification", but rather unification through force" (Peron-Doise 2022).

In reality, China finds itself somewhat constrained within the Seas of China, lacking unrestricted access to the Pacific Ocean due to the presence of a string of islands with which it maintains relatively hostile relations (Dagorn 2022). This initial chain of islands comprises four countries allied with the United States: South Korea, Japan, the Philippines, and Taiwan. Each of the first three nations has entered into a mutual defense treaty with the United States, providing them with vital security guarantees. South Korea hosts two American naval air bases, while Japan hosts six. Furthermore, since 2014, a security agreement has facilitated the presence of five American Air Force support points in the Philippines (Dagorn 2022).

A second chain is formed of the Northern Mariana Islands, where the critical American naval base of Guam, Palau, is installed, as well as the Japanese archipelago of the islands of Ogasawara. A military annexation of Taiwan would, among other things, have the objective and consequence of significantly weakening the American presence in the region and affirming Chinese domination (Dagorn 2022).

Taiwan is a lock for China in the Pacific because of its central position. Indeed, China is struggling to break the network of American alliances in the region. The objective is for the Chinese army to be able to dissuade the United States from intervening in the region through denial of access tactics, which will make it much more difficult for the Americans to get closer to China and Taiwan. When the United States can no longer defend Japan, the alliance will no longer hold. This eventual disappearance of the United States as a guarantor of regional security would be a strategic turning point (Dagorn 2022).

Another potential objective of Beijing concerns its nuclear dissuasion, particularly its oceanic component, because several geographical elements limit the maneuverability of Chinese submarine launchers (SNLE). The current mesh of the two island chains allows the allies of the United States to quickly identify Chinese submarines that would like to access the Pacific Ocean. The Japanese, the Americans, and the Taiwanese have outstanding anti-submarine capabilities and can track this type of submarine, as a researcher at the French Institute of International Relations (IFRI) reports (Dagorn 2022).

Taiwan's conquest would serve other Beijing objectives, such as territorial and maritime claims. In fact, by controlling Taiwan, China could expand its exclusive economic zone and impose restrictions on navigation. If the immediate interest concerns foreign military buildings, extending its sovereign zone would also allow China to oppose a right of control over merchant shipping - a powerful lever to exert pressure on its neighbors or promote its interests (Dagorn 2022).

It is important to stress that the Taiwan Strait is one of the maritime areas that China would like to control. At the same time, it is partly constituted of international waters freely open to navigation. The prospect of Beijing controlling this main trade route between the South China Sea and the East Sea is of concern to South Korea and Japan, whose import-dependent economies (Dagorn 2022). In this regard, it is important to stress that China uses the 1982 Convention of Montego Bay (United Nations Convention on the Law of the Sea (UNCLOS) to affirm its sovereignty in the Taiwan Strait. Indeed, according to the UNCLOS, sovereignty, a term

connoting supremacy, is not absolute within the territorial sea. It must accommodate the right of innocent passage of foreign ships, including warships. Additionally, the rights exercised in the exclusive economic zone, deemed “sovereign”, are nonetheless limited in scope to specific fields of activity. The distinction between “law” and “competence” is not always clear, particularly in the legislative and judicial sense (Laprès 2023).

While the Strait is 70 nautical wide in its widest part, the Convention defines that the territorial waters where the complete sovereignty of the riparian is exercised extend up to 12 nautical of the coasts. It should be noted that, unlike the United States, which only signed, China has signed and ratified the Convention, but employing a *note verbale* addressed to the United Nations in 2006, it uses a “reserve clause”, which allows it to exempt itself from disputes on sovereignty issues. Taiwan, which is not recognized as a state, is not a party to the Convention but has enshrined most of its rules in its domestic law (Yacine 2022).

Thus, the PRC asserts its right, not provided for in the Convention, to require foreign warships exercising their right of innocent passage in its territorial sea to obtain prior authorization. However, the value of these declarations in international law is doubtful since the Convention “does not allow reservations or exceptions other than those expressly authorized” (Laprès 2023).

On 13 June 2022, spokesman Wang Wenbin claimed that the Taiwan Strait was not an international maritime space but should be considered part of Chinese waters. This assertion of sovereignty over what all Western and Asian navies, including those of India, Japan, South Korea, and several Southeast Asian countries, still consider international waters raises concerns in Washington. According to Washington, the “freedom of navigation” is the primary argument for the movements of the American Navy in the area (Yacine 2022). Despite the protests of Beijing, the US Navy continues to conduct its so-called freedom of navigation operation missions, the last of which took place on 20 January 2022 in the vicinity of the Paracel Islands by the 9,000-ton destroyer USS Benfold; China is raising the stakes on the Taiwanese issue. To this end, it asserts its sovereignty over the waters of Strait in flagrant violation of the Convention on the Law of the Sea, whose relevance in Detroit is denied by the Waijiaobu spokesman (Yacine 2022).

Finally, capturing Taiwan would allow the Beijing regime to control the Taiwanese semi-producer industry, representing a large part of world production (63%). These components, essential for manufacturing high-tech products (telephones, aircraft, solar panels, etc.), are crucial for the global economy (Peron-Doise 2022, 4).

Moreover, it is important to stress that China has invested for years in so-called anti-access/zone-denial capabilities such as ballistic missiles and cruise missiles (Yuan 2024). It’s a non-friendly, technical concept that refers to this family of military capabilities used to prevent or limit the deployment of opposing forces in each theatre of operations and reduce their freedom of maneuver once in a theatre. This system, also known as A2AD, which includes anti-ship, anti-aircraft, anti-ballistic, submarine, and other naval and air capabilities, significantly alters the strategic environment in the Western Pacific Ocean and shifts the military balance in China’s favor. The regime limits the response and deterrence capabilities of the United States, its allies, and regional partners. If implemented according to the plan, a whole country can be isolated from the outside world (Yuan 2024).

Is this why the US President claimed, after the victory of the pro-independence Democratic Progressive Party (DPP) in the recent January presidential elections, that the United States does not support the independence of Taiwan? Would confirming the One-China policy by maintaining the *status quo* avoid a high-risk confrontation between the US and China?

Possible Solutions

If the only thing that prevents China from invading Taiwan is the USA and not international law, does that mean Taiwan's *de facto* sovereignty is fake? What does China lose by recognizing Taiwan as a sovereign state?

The proposal to integrate ROC into the United Nations as a possible solution to the Taiwanese problem may seem unrealistic because it is unlikely that Chinese leaders will accept the idea of democratic federalism or the idea of a separate UN seat for Taiwan. The current leadership rejects this liberal or democratic thinking. Qian Qichen, Deputy Prime Minister of the PRC, declared in a threatening manner that any attempt to change the status of Taiwan through a referendum on the island would create severe problems for those involved in this initiative (Baogang and Becquelin 2001). However, if China agrees to find a solution to this crisis, it must reconsider its policy towards Taiwan and adopt a new concept of sovereignty.

When there is a conflict between two governments on a question relating to national identity or coming from a nation's division, the United Nations system allows Taiwan also to seek an advisory opinion from the International Court of Justice (ICJ). Even though it lacks legally binding force, the advisory opinion holds significant legal weight and moral authority since it represents the collective opinion of 15 judges. In 2003, former Taiwanese President Chen Shui-bian met with Shigeru Oda, a former judge of the ICJ who had engaged in discussions on Taiwan's status issue with UN authorities during his tenure as a UN legal adviser. Judge Oda once presented some data under the name of Taiwan, but the UN Secretariat corrected his report based on its One-China stance (Taiwan Info 2003). As for the US, they will not seek an advisory opinion from the ICJ because they do not support Taiwanese independence. Instead, they prioritize protecting their vital interests in the Western Pacific Ocean.

Moreover, US Foreign Minister Antony Blinken soon congratulated Lai Ching-te on his victory, as well as "the Taiwanese people for once again demonstrating the strength of their strong democratic system and electoral process", while President Joe Biden told reporters, "We do not support independence" (RTBF 2024). The US does not recognize Taiwan as a state. It considers the People's Republic of China the only legitimate government, but it provides the island with significant military assistance (RTBF 2024). It is also impossible to spin away because the One-China policy has been communicated and recognized worldwide for over five decades.

Taiwan's membership in the UN could potentially contribute to the reunification of China in the long term. If the People's Republic of China (PRC) welcomed Taiwan into the United Nations, the two Chinas could establish an economic union, which might serve as a foundation for a political union. From a comparative perspective, dual representations did not impede the reunification of Germany or Yemen. Instead, political provisions based on mutual recognition ultimately facilitated their unification (Baogang and Becquelin 2001). The reason why independence is part of Taiwan's agenda is precisely because it lacks international recognition.

If Taiwan were to become a UN member, the issue of independence might naturally dissipate (Baogang and Becquelin 2001). However, the question remains: will Taiwan first dare to undertake constitutional reforms to achieve independence?

In the past, the international community has continued to recognize unitary states where control has been heavily contested, such as in Congo-Leopoldville in 1960 and Somalia in 1993. Others recognized where insurgents had held significant control zones, like in Angola in 1975-95 and Cambodia in 1970-1975. The international community also recognized unitary states where secessionists have exercised control in most of the claimed territory (e.g., Biafra within Nigeria in 1967-70 and Eritrea within Ethiopia from the late 1970s to early 1990) (Roth 2009). It is important to stress that such continued recognition is not exceptional but in conformity with general principles of international law (Damrosch and Murphy 2001).

CONCLUSION

This study aimed to discuss the legal limbo of Taiwan, whose political situation lies in a grey area of international law. First, in exploring the situation of Taiwan, this study found that many difficulties arise around its ambiguous legal status despite fulfilling all the characteristics of a state: Taiwan has its currency, a booming economy, lively democratic politics, and sizable armed forces, but lacks recognition from the international community. Second, this situation puts Taiwan in a legal and political vortex: from an international law perspective, the paper found that if Taiwan applies for UN membership, not only can China veto its access to the Universal organization, but it can also use its Anti-Secession Law, and a Chinese invasion may not be considered unlawful. This situation shapes Taiwan like an entity that does not speak its name. Indeed, its constitution does not guarantee its independence due to its lack of clarity, implicitly indicating that it does not recognize the existence of a real border with China.

Third, this study found that the UN General Assembly Resolution 2758, by which the Republic of China (ROC) was expelled from the UN, represents a significant obstacle to its recognition by the international community.

Finally, this paper concludes that the idea that Taiwan would have no rights under international law, despite possessing all the characteristics of a state, creates a gap in the ability of international law to regulate the use of force. To overcome this tricky situation, Taiwan can start by taking bold moves, such as making constitutional reforms to facilitate its independence. As for the US, as an ally, instead of maintaining strategic ambiguity towards Taiwan, it can start by supporting its membership in international organizations. Another solution to this legal vortex may involve seeking an ICJ advisory opinion. Under international law, only a judge could rule to clarify this ambiguity and provide legal responses. Even if it does not have a legally binding force, the advisory opinion carries significant legal weight and moral authority as it reflects the opinions of 15 judges.

As for its contribution to the discipline, this article has identified several traits and trends in development that could provide insight into the future of relations between the two shores of the Strait. First, given the characteristics and trends, in the short and medium term, Taiwan will most likely continue to distance itself politically from the mainland and actively assert itself as a de facto sovereign state, but not to the point of claiming formal independence. Then, similar to

Taiwan's economic relations with China, Taiwan has consistently invested in its national defense to deter and, if necessary, confront a military conflict with the mainland. Compared to other studies, this paper addresses Taiwan's international status from a legal and political perspective.

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THE STRATEGIC ADJUSTMENTS OF CHINA, INDIA, AND THE US IN THE INDO-PACIFIC GEOPOLITICAL CONTEXT

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Abstract: *Since the beginning of the XXI century, the Indo-Pacific region has become the "focus" of strategic competition between the world's great powers. This area included many "choke points" on sea routes that are strategically important for the development of international trade, playing an important role in transporting oil, gas, and goods around the world from the Middle East to Australia and East Asia. The article analyzed the geostrategic position of the Indo-Pacific region and the strategic adjustments in foreign affairs of some major powers in this region, specifically the US, China, and India. To achieve this goal, the authors used research methods in international relations to analyze the main issues of the study. In addition to reviewing previous scholarly research and reviews, the authors used a comparative approach to assess the interactions between theory and data. The authors believed that these data are important for accurately assessing the strategic importance of the Indo-Pacific region, and this area was an important trigger for the US, China, and India to make adjustments to its foreign policy. If the US proposed a strategy called "Free and Open Indo-Pacific" (FOIP), India's strategy was called the Indo-Pacific Initiative. China's Indo-Pacific strategy was clearly expressed through the "String of Pearls" strategy and the "Belt and Road Initiative" (BRI). As a result, in the geopolitical context of the Indo-Pacific region, the competition between major powers (the US, China, India...) is also becoming fiercer and more complex. It has a significant impact on other countries in the region.*

Keywords: *Geopolitics; Indo-Pacific; Power; Strategic Adjustments*

INTRODUCTION

Nowadays, the conception of geopolitics has not received a consensus among generations of scholars, and it tends to increase complexity in the international context after the Cold War and create different schools in the study of political science and international relations. This diversity reflects the interplay between the development of theory and the development of international political status and shows the diverse nature of international politics and international political studies.

Hans J. Morgenthau, a typical realist theorist (1948), said, "International politics, like every other kind of politics, is a power struggle. Whatever the ultimate aims of international politics, power is always the immediate aim" (p. 13). In geopolitics, this relationship is expanded into a highly complex tripartite relationship between three factors: geography - power - politics. The Britannica Dictionary defines geopolitics as "the analysis of the influence of geography on power relationships in international relations" (Deudney 2013). Geopolitics can be understood as a dialectical next step of the relationship between geography and power. Geography does not fully determine how a power interaction happens, but geography significantly affects any

political analysis. It is one of the sources of hard power, but sometimes, it is the leading cause of disputes between powerful actors. Ultimately, increasing ownership of geographical factors will increase power/hard power. This is the last and perhaps the most significant factor enabling an international political actor to prevail in imposing their political will on one or more other political actors.

In past centuries, powerful Western countries consistently sought methods to expand their colonies and garrisons, aiming to control major transportation routes worldwide and exploit natural and human resources in their areas of influence or occupation. Their objective was either to maintain hegemony on a global or regional scale or to challenge and contest existing hegemony. This approach is commonly used to explain peace, conflict, competition, and development through a geopolitical lens.

Traditional German geopolitics, the birthplace of modern geopolitics, which rose during World War I and flourished under the Third Reich, was influenced by geographical determinism, especially theories that occurred in the mid-twentieth century. The German school believes that geopolitics is the study of space from the state's point of view. Specifically, Karl Haushofer asserted that "Geopolitics is the new national science of the state (...) a doctrine on the spatial determinism of all political processes, based on the broad foundations of geography, especially of political geography" (Cohen 2015, 15). In this way, geographical factors are believed to be objective actors that are relatively fixed in nature; the effects of geographical factors on the political policies of a country are considered intuitively cognizable through deductive methods, and their consequences to power interactions in a relevant region can be predicted accurately with the same method of thinking. However, it is more complex and ambiguous due to the diverse coexistence of geographical and non-geographical variables.

In the early XXI century, one way to understand shaping theory was not to study geography or politics but from politics to geography or a bidirectional way between two factors. Saul Bernard Cohen's point of view is one of the most common conceptions of the impact of geography on politics. Cohen (2003): "Geopolitics is the analysis of the interaction between, on the one hand, geographical settings and perspectives and, on the other hand, political processes. (...) Both geographical settings and political processes are dynamic, and each influence and is influenced by the other. Geopolitics addresses the consequences of this interaction" (Cohen 2015, 16). The point of view of Yves Lacoste (French geographer) represents the opposite. He noted that:

The term 'geopolitics' is understood in a variety of ways. It refers to all things that involve the competition for power or influence over territories and the people living there, the competition between all types of political powers, which is not only countries but also political movements or secret armed groups, the competition for controlling or dominating large or small territories (Lacoste 2012, 28).

We ignore the extension of the political interaction entities, and this definition shows that "competition" between political entities plays a leading role in this idea of geopolitics. There are two points we need to expand from this conception of geopolitics. The first is the purpose of the disputes, though often the manifest purpose rather than the latent purpose is to own natural

and human sources. The second is competition between political entities, which is organic interaction, like what Foucault recognizes as power. These traditional ways of studying were challenged by the School of critical geopolitics, which occurred and developed at the beginning of the XXI century.

According to critical geopolitics, which comes from the social structuralism approach, when experts in state administration create ideas about geographical locations, these ideas influence and underpin their political behavior and policy choices. And these ideas affect how people process their concepts of place and politics. This tendency has led researchers to focus on analyzing geographical discourses to identify underlying assumptions about power. This aims to break the major concepts of international politics (Flint 2006; Toal 2006). The conceptual awareness of critical geopolitics has been abandoned (Fouberg et al. 2012, 535).

In this article, we maintain a unified concept of terminology. Concepts that begin with the prefix "geo" are usually theories of behavior or policies (military, economic, politics, etc.) of one or more states through geographical, natural, or humanistic aspects rather than focusing on the influence of geographical variables only. Prefix concepts ("geo", short for geography) should be in the politics/political science sub-disciplines rather than in geography.

THE GEOPOLITICAL IMPORTANCE OF THE INDO-PACIFIC REGION

The Indo-Pacific region is situated along the coasts of the Indian Ocean and the Western Pacific Ocean, with seas connecting these two vast bodies of water. The Indo-Pacific region is home to more than half of the world's population and has abundant resources and strategically significant international sea lanes. It is one of the most dynamic economic regions, fostering cooperation and growth between developed and developing economies. Interestingly, the term "Indo-Pacific" is not novel but instead borrowed from the field of geo-biology, where it denotes tropical waters stretching from the western coast of the Indian Ocean to the Western Pacific Ocean. The term "Indo-Pacific" with a geopolitical connotation was first mentioned by Gurpreet S. Khurana, Director of the National Maritime Foundation in New Delhi (India). In the article "Security of Sea Lines: Prospects for India-Japan Cooperation", published in Strategic Analysis in 2007, G. S. Khurana defined the Indo-Pacific as a maritime space connecting the Indian Ocean with the Western Pacific Ocean, bordering all countries in Asia (including West Asia, Middle East) and East Africa (Khurana 2007, 150). He argued that India and Japan's common and core interests in the maritime domain would be complex to secure if the Indian and Pacific oceans were divided in strategic perception. Thus, the term "Indo-Pacific" was born as a new regional strategic vision.

Japanese Prime Minister Shinzo Abe, in his address to the Indian Parliament in 2007, restored an ancient geographical view of Asia called "The Confluence of the Two Seas" (Chandra and Ghoshal 2018, 34), considering it a "dynamic coupling as seas of freedom and of prosperity" (Ministry of Foreign Affairs of Japan 2007) in Asia, set the target of linking the Pacific Ocean with the Indian Ocean to become the "Indo-Pacific" region, replacing the term of "Asia-Pacific". The "Indo-Pacific" concept is supposed to be a geopolitical concept associated with countries inside and outside the geographical boundaries of the Asia-Pacific. Since 2010, this concept has become increasingly prevailing in strategic and geopolitical discourse and is employed by

policymakers, experts, and scholars worldwide. Besides the geographical reference to the connection between the Pacific Ocean and the Indian Ocean, the concept also has strategic and geopolitical significance, reflecting strategic changes, particularly in maritime security.

Regarding geographical space, the “Indo-Pacific” term is a connecting space between the Indian Ocean and the Pacific Ocean, which combines these two oceans into a singular regional construct (Berkofsky and Miracola 2019, 13). This region mainly stretches from the east coast of Africa to the west coast of the US. Indo-Pacific is located along the Indian Ocean and the Western Pacific Ocean, with the seas connecting these two oceans, including Northeast Asian, Southeast Asian, and South Asian countries, as well as many Middle East and African countries.

Regarding the roles, functions, connectivity, and interdependence of the two oceans, the Indo-Pacific has a diversity of ethnicities, religions, cultures, languages, and politics. This region has rich resources and important sea lanes, has the three largest economies in the world (the US, China, and Japan), is one of the most dynamic regions in terms of economy, and can support and promote each other between developed and developing economies. The Indo-Pacific has 9/10 busiest seaports in the world. About 60% of the world’s maritime trade passes through this region, of which a third passes through the South China Sea (The US Department of Defense 2019). In addition, the sea route in the Indian Ocean is vital for transporting oil, gas, and goods worldwide, from the Middle East to Australia and East Asia. This is also a famously unstable sea with piracy and terrorism. Therefore, ensuring security for the lifeline of the world economy has received special attention from many countries.

Almost 90 percent of global trade and 2/3 of hydrocarbons have been transported across oceans, most concentrated in the Indian and Pacific Oceans. The Indian Ocean, in particular, carries over half of all global container shipping capacity and accounts for around 70% of all transshipment hydrocarbons. The Indian Ocean is one of the busiest international maritime trade channels, accounting for 1/9 of global seaports and 1/5 of the world’s import and export cargo (Zhu 2018, 4). Every year, more than 100,000 ships pass through the Indian Ocean, including 2/3 of the oil tankers, 1/3 of the large cargo ships, and 1/2 of the container ships in the world (Kumar and Hussain 2016, 151).

Strategically, the Indo-Pacific is viewed as a seamless structure connected by the strait of Malacca, the leading trade route connecting the two oceans. Two rationales explain the Indo-Pacific’s strategic potential: Firstly, China’s footprint throughout this region; secondly, the relative weakening of the US alliance system and its attempt to revive it (Das 2019).

With topographical tectonics, the Indo-Pacific is also an area that holds the world’s most important sea lanes and is home to strategic “choke points” of the world - the Suez Canal, Bab-el-Mandeb and the Strait of Hormuz to the northwest, the Mozambique Channel to the southwest and the Strait of Malacca (the strategic connection point between the Indian Ocean and the Pacific Ocean), the Sunda Strait, and the Lombok Strait in the southeast and the Cape of Good Hope. In particular, the Strait of Hormuz accounts for 40% of global crude oil shipments. Between Singapore, Indonesia, and Malaysia, the Strait of Malacca holds half the world’s merchant shipping tonnage (Kaplan 2010, 7). In the context of increasing tensions in the South China Sea, the strategic location of the Strait of Malacca has become the focus of attention of countries whose economies are heavily dependent on this nasopharyngeal shipping route.

Currently, the amount of oil transported through this strait is three times higher than the Suez Canal and 15 times larger than the Panama Canal (Tan 2011, 93). It can be said that the Indo-Pacific region has the most critical position for international maritime trade and the intersection of the political and economic strategic interests of many powerful countries. This region plays an increasingly important role in the XXI century, becoming the focus and center of world power. However, the Indo-Pacific is witnessing geopolitical competition and competition of interests among major powers. The US, China, India, Japan, and Australia have all made strategic adjustments to increase their influence and protect their interests in this region.

The XXI century is considered “the century of seas and oceans” and is accompanied by fierce competition among world powers to gain strategic interests in the seas. In the past, nations primarily focused on competition for military objectives, geostrategic bases, and maritime traffic routes. However, in contemporary times, countries worldwide have shifted their focus towards competing for economic advantages and marine resources. The advancement of military capabilities and endeavors to vie for resources at sea increasingly indicate a trend toward leveraging maritime control to influence continental affairs. The “seapower” theory of US foremost thinker on naval warfare and maritime strategy - Alfred T. Mahan, has generated a premise for nations promoting sea power: “Control of the sea, by maritime commerce and naval supremacy, means predominant influence in the world; because however great the wealth product of the land, nothing facilitates the necessary exchanges as does the sea” (Mahan 1897, 124). Maritime security in the Indo-Pacific region has therefore become a “hot” focus in the maritime foreign policy agenda of powers. For the time being, the Indo-Pacific region is by and large peaceful and secure; however, it is confronted with some maritime security challenges:

Firstly, regarding maritime disputes, there are about 40 maritime disputes between countries in the region, which could be disputes over territorial sovereignty or sovereign rights over the waters. Many disputes, including those in the East China Sea, South China Sea, Indian Ocean, or Senkaku/Diaoyu Islands, are viewed as potential flashpoints for a Sino-US war or even a Third World War (Echle et al. 2020, 126). While direct armed conflicts have yet to erupt in these areas, they serve as the underlying cause of the region’s escalating security challenges. These conflicts stem primarily from the diverse security needs of numerous countries in the region. Moreover, given their strategic significance, these areas represent complex issues in Indo-Pacific maritime security, highlighting the intricate nature of the disputes.

Secondly, piracy and armed robbery have driven the Strait of Malacca, the South China Sea, and the Indian Ocean to the top of the list of the most dangerous waters. In 2018, the number of piracy and robbery cases in these areas was 8, 57, and 25, respectively, placing them second only to West Africa, which had 81 cases (International Maritime Organization, 2019, 2). While the number of piracy cases in the South China Sea and Indian Ocean decreased to 34 and 10, piracy cases in Malacca Strait increased to 45 in 2019 (International Maritime Organization 2020, 2). Another notable transnational maritime security issue in the Indo-Pacific is piracy off the coast of Somalia, which affects the waters of the Gulf of Aden, the Arabian Sea, and the Western Indian Ocean (Elleman et al. 2010, 210). In response to this threat, the United Nations Security Council has passed Resolution 1816, which states that cooperating countries may enter Somali territorial waters and use all necessary means to combat piracy and armed robbery (Klein 2011, 280).

Thirdly, alongside piracy, the Indo-Pacific region serves as a focal point for terrorist organizations such as Al-Qaeda and Al-Shabab. Following the 11 September terrorist attacks (commonly known as 9/11), countries including Singapore, Malaysia, the United Kingdom, New Zealand, and Australia have consistently coordinated their naval forces to combat terrorism in the Strait of Malacca, safeguarding oil tankers traversing the area. Additionally, new maritime security risks are emerging, particularly in the Indo-Pacific region, as terrorists exploit the Malay Archipelago as a sanctuary to identify vulnerable targets in the region and collaborate with extremists, Islamic insurgents, or members of organized crime networks. This fear has become much more real since the 2002 Bali bombings (Tan 2011, 91). Furthermore, terrorist organizations like Al-Qaeda, Abu Sayyaf, and Jemaah Islamiyah have extended maritime terrorism into Southeast Asia, affecting the broader region. The bombing of Super Ferry 14 in the Philippines in 2004 stands as the deadliest maritime terrorist attack globally to date, claiming the lives of 116 individuals (Safety4Sea 2019).

Lastly, drug trafficking and human trafficking are frequent transnational concerns in the Indo-Pacific. Many multinational organized criminal groups rely heavily on drug trafficking by water for a significant portion of their revenue. Drugs produced in Afghanistan, India, and Indonesia are transported by sea to other countries via illegal markets. The manufacture and transport of drugs are rising in the Indo-Pacific region, and criminal groups are exploiting the Malacca Strait as their primary distribution route to Southeast Asia countries (Zulkifli et al. 2020, 19). Moreover, the human trafficking issue remains unresolved as the coast guard or the security department of port and ship facilities cannot predict the consequences.

Furthermore, one of the threats to maritime security in the Indo-Pacific region is arms trafficking. Most of the arms trade was carried by criminal organizations by sea in containers from southern Thailand to Aceh, Bangladesh, India, and Sri Lanka via the Malacca Strait and the Andaman Sea (Zulkifli et al. 2020, 19). The increase in arms trade is a significant contributor to the rise in maritime crime, particularly in Southeast Asia and the broader Indo-Pacific region. Consequently, territorial and maritime sovereignty disputes, coupled with the intricate linkages between transnational crime, piracy, and terrorism, have heightened the complexity of security threats in the marine domain. These developments strongly influence the adaptation of foreign strategies by several major powers, including China, India, and the United States.

THE STRATEGIC ADJUSTMENTS OF SOME MAJOR POWERFUL COUNTRIES FOR THE INDO-PACIFIC REGION

The Indo-Pacific region, with nearly half of the Earth's population, is at the center of the world's political and economic strategic interests. Currently, being rich in resources, many "throat" sea routes, and most dynamic economic and trade activities, this region plays an increasingly important role in the XXI century and beyond. However, the Indo-Pacific has been experiencing intense geopolitical competition, increasing pressure on trade and supply chains, and tensions in the technology, political, and security sectors. Great powers such as the US, China, India, Japan, and Australia have all made strategic adjustments to increase their influence and protect their interests in this region.

United States of America

Although not the first country to propose the Indo-Pacific concept, the US pioneered executing and implementing the Free and Open Indo-Pacific (FOIP) strategy. In recent years, the power has responded to global geopolitical changes by developing an Indo-Pacific strategy that seeks to rebalance the US to Asia as a counterweight to China's rise, developing alliances and partnerships to strengthen the Washington authority's interests over a large area stretching from the west coast of India to the west coast of the country. The US first coined the term "Indo-Pacific" through Secretary of State Hillary Clinton's official speech in Honolulu in October 2010. In 2017, following his inauguration, President Donald Trump intensified the term "Indo-Pacific" in official policy discourse (Turner and Parmar 2020, 229).

In early June 2019, the US Department of Defense officially announced the Indo-Pacific Strategy Report for the first time. This strategy aims to enhance the US's bilateral alliances and multilateral cooperation mechanisms across economic, security, and maritime domains, establishing a comprehensive network spanning South, Southeast, and Northeast Asia. Subsequently, in November 2019, the US Department of State released a Progress Report detailing the implementation of the Indo-Pacific strategy. These developments underscore the significance of US engagement in the Indo-Pacific region as a top priority in President Donald Trump's foreign policy agenda.

President Donald Trump chose the Indo-Pacific to underscore India's historical and contemporary significance in the region while affirming US interests and those of other countries. During a press conference in early April 2018, Deputy Assistant Secretary of State Alex N. Wong elaborated on the concept, offering insights into how the Trump administration defines "freedom" and "openness". According to Wong, "freedom" in the strategy primarily emphasizes international freedom, aiming for countries in the Indo-Pacific region to pursue their paths without coercion. At the national level, the US seeks to foster societies in the region that gradually embrace freedom, characterized by good governance, protection of fundamental rights, transparency, and anti-corruption measures. On the other hand, "openness" is primarily focused on expanding sea and air traffic. Maritime traffic is crucial to the region's vitality, as approximately 50% of international trade traverses the Indo-Pacific, mainly through the East Sea. Therefore, expanding sea and air routes in the Indo-Pacific is increasingly vital and significant on a global scale (Le 2018).

The US's "Vision for a Free and Open Indo-Pacific" was born for two primary reasons. Firstly, it stems from the internal factors of the US that are associated with the vital nature of national security and the role of the US in the world. As an area adjacent to many oceans, gateways, and throats connecting the US with the world, the Indo-Pacific has always been considered by the US to be a critical geostrategic area, directly affecting national security and the world leadership role of America. Implementing the FOIP strategy is a way for the US to protect national interests, ensure the freedom and security of maritime traffic, maintain the balance of forces, and promote diplomatic activities and society-culture exchanges in the area.

Second, stemming from the regional security situation, China's rise along with construction and militarization in the East Sea are seen as threatening the free flow of trade, threatening to narrow the sovereignty of countries, and reducing stability and security in the

region. Not only that, but China's BRI is also challenging the US's leadership role in the Indo-Pacific region - where there is no multilateral mechanism on security, mainly based on bilateral agreements and arrangements, such as the US-Japan Security Treaty, the US-South Korea bilateral defense treaty (Pham and Vu 2020, 103-104).

The US's Free and Open Indo-Pacific strategy is constructed upon three fundamental pillars: security, economy, and governance. The objectives of this strategy are multifaceted. Firstly, it aims to sustain long-term US leadership within the Indo-Pacific region and globally, particularly in light of China (and Russia) being explicitly identified by the US as America's primary strategic competitors in the National Security Strategy of 2017 and the National Defense Strategy of 2018. Secondly, the strategy promotes free, fair, and reciprocal trade. The US opposes trade deficits and unfair trade practices by other nations, instead demanding equal and responsible behavior from its trading partners. Thirdly, it aims to uphold open sea and airspace within the region. Fourthly, it effectively addresses traditional and non-traditional security challenges, including North Korea's nuclear program. Lastly, the strategy strives to ensure adherence to the rule of law and the protection of individual rights (The US Department of Defense 2019). The US's Free and Open Indo-Pacific strategy focuses on ensuring the country's interests, focusing on the "4P" formula in a clear order of priority: prosperity, peace, power through the deployment of American power, and finally, influence through American values and principles – Principles (Nguyen 2021a, 49).

US's Indo-Pacific Strategy is expected that the vital sea lanes of the Indo-Pacific will "create the foundation for the global trade and prosperity" (The US Department of Defense 2019). Therefore, the US strives to promote a Free and Open Indo-Pacific by promoting economic, governance, and security linkages. The core goal of the US's Indo-Pacific strategy is to build an alliance axis, Quadrilateral Security Dialogue¹ (QUAD) (including the US, Japan, Australia, and India) to curb and prevent China's rise in the region, gain dominance, and control the entire region, thereby continuing to maintain the economic interests, political power, military and diplomatic power of the US (Pham and Vu 2020, 103). This is one of the main pillars that help to realize this connectivity strategy between the two oceans. The QUAD aims to foster the sharing of common interests, values, and perceptions of security threats among the four member countries. This collaboration aims to establish a balanced power dynamic that upholds a "rules-based" order in the Indo-Pacific region. On 12 March 2021, the QUAD officially convened online to reaffirm its primary maritime security mission. The overarching objective is to counteract China's growing regional and global influence (The White House 2021a).

Besides QUAD, on 15 September 2021, the US, UK, and Australia officially announced establishing a tripartite security partnership in the Indo-Pacific region (AUKUS). The first step can confirm that AUKUS is a new structure prone to "triangle" security in the Indian Ocean. The Pacific Ocean space aims to protect and maintain the shared interests of the parties in this

¹The Quadrilateral Security Dialogue (QUAD) was established in 2007 with four member countries: the US, Australia, Japan, and India. Its primary objective was to establish a trans-Pacific economic mechanism, potentially serving as the nucleus of the Asia-Pacific Economic Forum (APEC). After a 10-year hiatus, the QUAD group officially resumed the four-way dialogue in 2017, elevating it to a dialogue of foreign ministers. This resurgence occurred amidst heightened tensions between the US and China across various fronts, with Beijing's assertive behavior posing security concerns for Japan, India, and Australia (Buchan and Rimland 2020, 3; Brunnstrom 2017).

region. A joint statement by US President Joe Biden, Australian Prime Minister Scott Morrison, and British Prime Minister Boris Johnson affirmed the partnership in AUKUS “guided by the enduring ideals and shared commitment to the international rules-based order” (The White House 2021b). This alliance aims to “help sustain peace and stability in the Indo-Pacific region” (The White House 2021b).

Therefore, the US’s efforts to promote strategic cooperation, enhance engagement across economic, political, and security domains, and forge partnerships and alliances with regional countries reflect its ambitions in the Indo-Pacific. The Free and Open strategy serves as an extension of the “America First” policy, gradually bolstering the role and preserving the influence of the US in the region.

China

As a major power in Asia and globally, China inevitably focuses on strategically significant regions like the Indo-Pacific. Since the Cold War, particularly in the first two decades of the XXI century, China’s ascendance has profoundly impacted global development, reshaping power distribution worldwide. This perspective is echoed by Robert D. Kaplan, a professor at the US Naval Academy: “China is currently changing the balance of power in the Eastern Hemisphere. On land and at sea, its influence extends from Central Asia to the Russian Far East and from the East Sea to the Indian Ocean” (Kaplan 2012, 200). China has stepped up its presence in the Indo-Pacific with the “String of Pearls” strategy and the “Belt and Road” Initiative (BRI).

“String of pearls” is a term coined by American analysts to describe China’s network of shipping lanes extending from southern China to the Indian Ocean, traversing strategic points such as the Strait of Mandab, the Strait of Malacca, the Strait of Hormuz, and the Strait of Lombok. It also encompasses other fundamental naval interests, including Pakistan, Sri Lanka, Bangladesh, the Maldives, and Somalia. Within this network, notable installations such as the military base on Hainan Island, the container shipping facility in Chittagong (Bangladesh), the deep-water port in Sittwe, the Kyaukpyu port, the Yangon port (Myanmar), the naval base in Gwadar (Pakistan), and the Hambantota port in Sri Lanka are referred to as the “jewels” or “pearls”. This chain of “pearls” extends from the coast of China, through the East Sea, the Strait of Malacca, across the Indian Ocean, and to the reefs of the Arabian Sea and the Persian Gulf (Kaplan 2012, 200). Each “jewel” within the “String of Pearls” represents China’s geopolitical influence or military presence in key regions such as the Indo-Pacific, the East Sea, and other strategically significant seas. Through this strategy, China aims to extend its influence from Hainan in the East Sea through the world’s busiest sea lanes towards the Persian Gulf. The primary objectives include restraining India, ensuring energy security, and asserting control over vital shipping lanes (Tran 2012, 77).

To implement the “String of Pearls” strategy, China has improved relations with most of India’s neighbors, including Pakistan, Nepal, Bangladesh, and Sri Lanka. In that context, Myanmar is a place that China can use as a springboard for its ambitions to expand its sphere of influence into Southeast Asia and South Asia (Gupta 2013, 82). Myanmar has an important strategic position between two major Asian countries, China and India. Besides, Myanmar is a

coastal country in the Indian Ocean, so for Chinese policymakers, Myanmar is increasingly of more strategic value to China. Myanmar is strategically important to India and a key player in China's ambitions to reach the Indian Ocean. Myanmar is the only neighboring country that can give China access to the Indian Ocean from the east, namely the Bay of Bengal and the Andaman Sea (Myoe 2015, 26-27).

China's moves in the Bay of Bengal and the Andaman Sea are the first steps to ensure China's best interests in the Indian Ocean. China has also assisted Myanmar in developing naval bases at Sittwe, Hianggyi, Khaukphyu, Mergui, and Zadetkyi Kyun by building refueling facilities and radar stations for Chinese submarines to operate on the Bay of Bengal (Singh 2007, 3). These facilities gather intelligence on Indian Navy activities and are forward bases for Chinese Navy operations in the Indian Ocean. With India's naval expansion efforts at a standstill, the Chinese Navy's growing presence in the region has had enormous strategic consequences for India because India's traditional geographical advantages are increasingly threatened by China's ability to penetrate deeper into Myanmar. According to US military experts, the "String of Pearls" is the basis for China to inspect and monitor all vital sea lanes in Asia and the world, curb India, Japan, and Korea, and gain the advantage of direct access to strategic locations in the Pacific.

"String of Pearls" strategy, China strengthens ties with regional countries through aid, trade, and defense agreements and launches new cooperation initiatives. In 2013, Chinese President Xi Jinping launched the Belt and Road Initiative (BRI). This initiative consists of two main parts: (i) The Silk Road Economic Belt (also known as the Land Silk Road) is a roadway designed with three branches (from China to Central Asia and Russia to Europe, from China through Central Asia, West Asia to the Persian Gulf, the Mediterranean Sea, from China to Southeast Asia, South Asia and the Indian Ocean); (ii) Maritime Silk Road in the XXI century aims to build transport routes between major ports in different countries, including the development of an economic corridor across the Indian Ocean, connecting China with South Asia, the Middle East, Africa and the Mediterranean (Pham 2019, 31-32).

The objectives of this BRI are: first, to expand the strategic space and create a backyard area of China to control the Eurasian - African continent, creating a counterbalance to the US's Indo-Pacific strategy; second, dominate the Indian and Pacific Ocean regions, control related shipping lanes and regional seaport systems, dominate oil and gas supplies, establish military bases in these areas through which these roads pass; third, create a socio-economic environment for the expansion of China's "soft power"; fourth, build a security perimeter around China to prevent the US and its allies from entering the area that Beijing considers its "backyard", supporting China to go out into the world; fifth, promote regional economic cooperation, rely on economic cooperation to promote political relations, create a catalyst to solve problems in relations between China and countries in the region, prevent the contraction of countries in the region that have disputes with China, including the issue of maritime and island disputes; sixth, through the "5 channels" (through policy, communication (on land, at sea), trade, currency and people) to access, penetrate and control the regional economy in order to promote economic development in the region to take control of international trade, the right to evaluate and the right to distribute international resources; seventh, solve the problem of excess production capacity, find a market for stagnant goods, find an investment market, effectively use China's huge foreign exchange reserves, find a market for the yuan, speeding up the process of

internationalization of the renminbi; Eighth, access to energy resources, especially oil and gas; Ninth, take advantage of the surrounding environment to create conditions for more equal development among regions in the country, especially the border areas, western China (Dinh 2021, 7-8). China's BRI prioritizes the maritime sector when it proposes the "21st Century Maritime Silk Road" to connect seaports, one of the two main connections between China and Europe (Kuo and Kommenda 2018). It can be said that the BRI aims at strategic goals in terms of politics, security, economy, territorial sovereignty, and building a new framework of rules of the game in the region and the world, in which China plays a leading role (Tran 2017, 100).

In addition, to counterbalance the Indo-Pacific strategy of the US and the QUAD, China has strengthened its relations with Russia and Iran by strengthening the Sino-Russian alliance in the Shanghai Cooperation Organization (SCO) and admitted Iran to this organization on 17 September 2021. China, Russia, and Iran have formed a "new maritime power triangle" and are preparing to launch a joint maritime exercise in the Persian Gulf. Previously, in December 2019, these three countries also conducted a joint maritime exercise in the Indian Ocean and the Gulf of Oman in the context of tensions between Washington and Tehran showing signs of escalation.

India

As a continental power occupying a strategic position in the heart of the Indian Ocean, India has become a prominent player in the Indo-Pacific region and one of the countries deploying maneuvers to adjust foreign strategy. India's "Look East" policy (implemented since 1992) has extended India's foreign strategy to Southeast and East Asian countries. Over the years, India's regional involvement has shifted from economic ties to security cooperation. Prime Minister Narendra Modi's "Act East" policy (implemented since 2014) underpins India's approach to the Indo-Pacific region, in which this foreign policy will strengthen India's participation through strategic partnerships. In addition, the country has its vision for the Indo-Pacific region. India wants to promote peace and stability through an equal approach at sea and air, freedom of navigation, combating maritime crime, protecting the marine environment, and developing a green economy (Ministry of External Affairs, Government of India 2018). In 2015, in the Report "Ensuring Maritime Security: India's Maritime Security Strategy", India clearly stated that its strategic vision shifted from the Euro-Atlantic to the Indo-Pacific, associated with the "Act East" policy. In his speech at the Shangri-La Dialogue (June 2016), Indian Prime Minister Narendra Modi laid out India's vision for the Indo-Pacific region, emphasizing India's participation in organizations, taking ASEAN as the center of the region, such as the East Asia Summit (EAS), the ASEAN Defense Ministers Meeting Plus (ADMM+).

Indian Prime Minister N. Modi first announced the Indo-Pacific Initiative during his speech at the Shangri-La Dialogue held on 1 June 2018 in Singapore. Prime Minister N. Modi affirmed, "The Indo-Pacific is a natural region (...) India does not see the Indo-Pacific Region as a strategy or as a club of limited members" (Ministry of External Affairs, Government of India 2018). On 4 November 2019, Prime Minister N. Modi once again mentioned this idea at the 14th East Asia Summit (EAS), held in Bangkok (Thailand), which "propose a cooperative effort to translate principles for the Indo-Pacific into measures to secure the shared maritime

environment" (Ministry of External Affairs, Government of India 2019). This proposal also transforms India's conception of the Indo-Pacific region into practical and enforceable measures in the maritime domain.

Regarding the policy, India has demonstrated its determination to implement the Indo-Pacific Initiative through the establishment of a Directorate-General for the Indo-Pacific under the Ministry of External Affairs (MEA) since April 2019, based on merging international organizations, such as ASEAN, the Indian Ocean Rim Association (IORA) and the QUAD including the US, Japan, Australia, and India. In September 2020, India continued to establish the Directorate for Oceania in the MEA to promote India's administrative and diplomatic fields, stretching from the Western Pacific Ocean to the Andaman Sea.

India's Indo-Pacific Initiative consists of 7 pillars, including 1) Marine security, 2) Marine ecosystems, 3) Marine resources, 4) Capacity building and resource sharing, 5) Disaster risk reduction and management, 6) Technology and trade cooperation, and 7) Connectivity and shipping, which can be grouped into six groups: 1) Maritime security; 2) Marine ecosystems and marine resources; 3) Building maritime enforcement capacity and information sharing; 4) Manage and reduce disaster risks; 5) Science and technology cooperation; 6) Trade connection and sea transportation (Nguyen 2021). India's approach to this strategy is inclusive and transcends traditional security issues or geopolitical challenges. India also wants to promote cooperation in environmental issues related to the sea and ocean sectors. Through the Indo-Pacific Initiative, India wishes to lead, chair, and coordinate in cooperation inside and outside the region, especially with small and medium-sized countries.

Compared to the US's Free and Open Indo-Pacific Strategy, India expands the geographical reach of the region under the Indo-Pacific Initiative, whereby the Indo-Pacific covers the African coast to the west of the Indian Ocean and the Arabian Sea, including neighboring countries in the Gulf, islands in the Arabian Sea and the African region. By asserting "both geographical poles" of the Indo-Pacific Initiative, India emphasizes the balance between the two groups of policies, "Act East" and "Act West", forming an integral part of the country's strategy in the Indo-Pacific region.

For India, strengthening security cooperation with the US, forging a special strategic partnership with Japan, and maintaining the relationship with Australia are strategic focuses in shaping economic and security architecture in the region based on the "diamond quadrilateral" alliance. At the same time, to connect with the open Indo-Pacific space, India also strengthened ties with Asian, European, and African countries.

CONCLUSION

Due to the Indo-Pacific region's current structural makeup, the major regional powers have gradually turned it into a strategic area of power competition. Countries interested in the region actively participate in the Indo-Pacific regional architecture and seek ways to strengthen their positions to act as a counterweight in regional international affairs. Today, the Indo-Pacific is seen as a crucial element in the changes in global geopolitics and the focal point of numerous power struggles. In this region, besides the US, two Asian powers play a major role in regional security, China and India, because both countries seem to be putting all their efforts into

improving regional security, greater competition than other areas due to their position. India is prepared and actively involved in a motivated strategy against China in the Indo-Pacific, in contrast to other regions where it has historically been more passive and weaker. India is moving toward the US in this competition but maintaining a neutral stance. Additionally, it is working to increase influence and fortify multilateral ties to close the power gap with China.

With regard to China's growing influence in the region and its security implications for India and other regional countries, there exists a wide pessimism, particularly in Western analyses. It is quite pertinent to point out here that the India - China relationship is nicely balanced between the elements of cooperation and conflict, like that of the US-China relationship. Especially there is enough space in the Indo-Pacific region and beyond to accommodate both rising China and India. They can coexist and grow peacefully. However, the trends and issues will ostensibly continue to unfold in the region with greater worrying security concerns. In the coming years, maritime security within the Indo-Pacific region will be a key factor in the development of many countries. It, however, remains a major concern in the area because of the growing non-traditional security threats, in addition to maritime boundary disputes. Particularly, events in the SCS will continue to attract much of the regional and international attention. These could engulf the regional and international stakeholder's capability to maintain peace, security, and stability within the region in a sustained and effective manner.

Most importantly, countries in the Indo-Pacific region share many of these common concerns. Invigorating greater cooperation and coherence in their strategy could help address the problems collectively. Moreover, establishing an Indo-Pacific Regional Security Architecture will be very handy in addressing common security concerns and threats.

As a result, as the Indo-Pacific area is being shaped, the competition between the major powers is also becoming more complex and severe, significantly impacting the other nations in the region. In short, during the first two decades of the XXI century, the Indo-Pacific region has witnessed constant competition among numerous world powers. The region's strategic, economic, and commercial significance has positioned it at the heart of global contention, reshaping the character of international politics. The Indo-Pacific has become the focal point of international conflicts and power dynamics, heralding a significant new geopolitical landscape in the XXI century. It can be asserted that the power competition among these nations will shape the interaction patterns among Indo-Pacific countries in the ensuing years of this century.

CRediT AUTHOR STATEMENT

Nguyen Tuan Binh: resources, formal analysis, writing - original draft, project administration. **Tran Xuan Hiep:** conceptualization, methodology, writing - review and editing. **Nguyen Dinh Co:** data curation, validation, investigation. **Nguyen Hung Vuong:** visualization, supervision.

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BETWEEN TRADITION AND TRANSFORMATION: THE IMPACT OF ILLIBERAL POPULISM ON GEORGIA'S DEMOCRATIC ASPIRATIONS

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Abstract: *The article examines the role of Georgian far-right illiberal populist groups in Georgian politics and their influence on Georgia's foreign policy and the ongoing democratization process, emphasizing Euroscepticism, liberal institutional development, and the pro-Russian narrative. Using qualitative research methodology, we analyzed the programs, manifestos, and public speeches of well-known groups active in Georgian politics, such as People's Power, Georgian March, Georgian Idea, Unity, Essence, Hope (ERI), and Alliance of Patriots of Georgia. Analysis of the mentioned material, as well as various scientific studies, shows that the discourse of these groups is dominated by xenophobic, nationalist, populist, and racist rhetoric, which represents a significant challenge to Georgia's European integration path and in the direction of democratization of its governance system. In the long term, we concluded that the existence and development of these illiberal populist actors threaten Georgia's aspirations for European integration and democratic development. This study contributes to a broader discourse about populism and illiberal views in the Georgian reality, focusing on the influence of these ideologies on the formation of the country's foreign policy and orientation.*

Keywords: *Populism; Illiberalism; Euroscepticism; Georgian Politics; Foreign Policy Orientation; Russia*

INTRODUCTION

Populist ideologies in the Georgian political landscape are not new. Georgia is in a situation where the complex dynamics of those populist ideologies are challenging its foreign policy direction and political landscape (Burkadze 2022; Silagadze 2020). Statements towards its Western partners, made by the Georgian government and different political party representatives involved in policymaking in Georgia, have lately been characterized very critically. This attitude has led to the thought that the nation's pro-Western commitment needs to be clarified. In the 2020 parliamentary elections in Georgia, we saw the emergence of many new political groups and parties, whose emergence is even more suspicious, mainly due to their political narratives and associations. No matter that these political groups may not be officially registered as political parties, they play a noteworthy role in shaping the political landscape and agenda in Georgia. The political interests of these groups are apparent, as they actively participated in nominating candidates in the 2020 parliamentary elections, and they already expressed their intention to participate in the 2024 parliamentary elections.

Within the Georgian political landscape, we can see different forms of illiberal far-right groups and populist actors. It is hard to classify any of those groups as populist or not, but it is clear that populist ideology has been raised in Georgian political daily life. This wave of populist

ideology has swept not only across Georgia but other democratic political systems within Western countries, which are considered partner countries of Georgia (Silagadze 2020). The influence of populist ideology has been seen in political discourse, daily political life, and decision-making processes.

According to different authors' categorization, Mudde (2018, 2020), Damiani (2020), Laruelle (2021), and Bugaric (2019), currently, in the global political arena, we have four distinct types of populist parties: far-right-wing populism, far-left-wing populism, illiberal populism, and anti-establishment populism. Our focus narrows on the far-right populist groups existing within Georgian political reality, specific groups like "People's Power", "Georgian March", "Georgian Idea", "Unity, Essence, Hope" (ERI), and "Alliance of Patriots of Georgia". These groups have not just influenced but significantly and increasingly shaped the nation's political agenda and foreign orientation since the 2020 parliamentary elections, underlining the urgency and relevance of our research.

With their narratives and statements, these political groups oppose Georgia's path toward democratization and its European integration process; instead, they promote policies that align with Russian interests and narratives. This situation is a crucial challenge for Georgia's foreign policy, with the potential to affect its international affairs, the European integration process, and the generally ongoing process of democratizing the country's governance system. It is interesting to observe and investigate the real influence of these groups on shaping Georgia's foreign policy.

By conducting a detailed comparative analysis of the programs, manifestos, and public speeches of the representatives of these groups, this paper tries to reveal the extent to which these groups influence Georgia's foreign policy, the ongoing democratization process, and the broader political narrative, mainly focusing on Euroscepticism and pro-Russian narratives. We further contribute to the broader discourse on populism and illiberalism within the Georgian political landscape, providing insights into how such ideologies shape foreign policy and political landscapes in transitional democracies like Georgia. This study highlights the current challenges and anticipates future developments as these groups prepare for increased political engagement in the upcoming 2024 parliamentary elections.

The chosen groups were evaluated based on the criteria to facilitate the following comparative analysis of their similarities and differences. The focus of this study includes three main aspects: 1) their stance on Georgia's foreign policy, namely Euroscepticism and a pro-Russian narrative; 2) their perspectives on the process of democratization and the establishment of liberal institutions; and 3) the portrayal of Georgian politics and landscape in their narrative.

To enhance the analysis of the chosen groups, we additionally incorporate the analysis from the Facebook social media platforms of illiberal far-right groups, media reports, interviews, and online videos spread about their rhetoric and activities.

To investigate and study those aspects, we will address the following research questions:

1. What are the core ideologies and narratives promoted by illiberal populist groups in Georgia?
2. How do illiberal populist groups in Georgia impact the country's foreign policy, particularly European integration and relations with Russia?

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

Populism and Illiberalism in Political Discourse

In relevance to our paper's research topic, it is essential to understand the surge of populism and illiberalism in the Georgian political landscape, especially when the rise of those ideologies brings challenges to the democratic governance order. The author Mudde (2004) defines "populism" as a thin-centered ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, "the pure people" versus "the corrupt elite". He also emphasizes and argues that politics should be an expression of the people's general will (*volonté générale*) of the people (Mudde 2004, 543). In parallel, illiberalism, characterized by Pappas (2019) as the erosion of the rule of law, limiting freedoms, and undermining democratic institutions, often accompanies populist movements, posing significant challenges to democratic governance and policymaking.

Populist movements can be categorized into four distinct ideologies according to scholars and authors Mudde (2018, 2020), Damiani (2020), Laruelle (2021), Bugaric (2019): far-right-wing populism, far-left-wing populism, illiberal populism, and anti-establishment populism.

The first category is characterized by far-right-wing populism, where political parties express nativist and xenophobic views and strongly reject multiculturalism (Mudde 2020). Far left-wing populism is characterized by its central rhetoric of Euroscepticism, anti-globalization, and anti-capitalism. They also employ a radical democratic approach, as Damiani (2020) and Mudde (2020) outlined. Third, parties are characterized by illiberal populism. These parties are known for their strongly anti-liberal rhetoric and extreme nativist views. Authoritarian characteristics are evident in the manifestos and programs of these political parties, as discussed by Mudde (2020), Merkel and Scholl (2018). The fourth category of populist parties consists of anti-establishment populists. They exhibit less emphasis on nativism compared to other parties and, similar to left-wing populists, employ radical democratic strategies and narratives effectively. They accept liberal institutions but aim to improve existing gaps and reforms within them (Učeň 2007; Bugaric 2019).

When conceptualizing "illiberalism" as an ideology, Laruelle (2021, 308-309) outlines four key features of this ideology: 1) illiberalism is a relatively new ideology that has developed in countries with liberalism in the past two or three decades; 2) renewal of classical conservative views (this includes the superiority of the nation, gender relations, religion, etc.); 3) a kind of similarity and source of inspiration is ultra-right ideologies, which are more populist in their characteristics and more radical than classical conservatism; and 4) criticism of political liberal institutions and their fundamental elements (denial of minority rights and fundamental human freedoms, etc.).

Pappas (2019) highlights that the influence of populism and illiberalism ideologies can be seen across Europe. Those ideologies impact the country's foreign affairs, affecting all spares, from trade agreements to security alliances. For countries like Georgia, which are on their way to democratization, the influence of those populist ideologies on foreign policy formulation is primarily severe. Taggart (2003) also argues that populist and illiberal movements across Europe

have shifted the foreign policy debate. Those actors use these ideologies to frame international issues through the lens of national identity and sovereignty.

Zarina Burkadze (2022) provides a convincing argument for how political fragmentation in Georgia catalyzes illiberal movements. She highlights the escalating influence of far-right groups within the political landscape, noting their significant impact on policymaking. Short-term interests frequently drive this influence, which aggravates the degree of political polarization. Such polarisation, in turn, paves the way for an increase in illiberal tendencies. Burkadze also emphasizes the crucial role of local and international political actors in determining the course of these movements and their subsequent effects on the democratic process. The interplay of these factors demonstrates the complex challenges facing Georgia's political system. It underscores the need for careful analysis of these illiberal trends in the context of democratic stability and governance.

Euroscepticism: A Manifestation of Populism and Illiberalism

Skeptical and critical opposition to European integration has become a standard instrument of many populist and illiberal movements. Pirro et al. (2018) conducted a study that examined populist movements' use of Euroscepticism to garner support by portraying European integration as a potential challenge to national sovereignty and identity. Taggart (1998), when speaking about the conceptualization of Euroscepticism, encompasses it as a range of critical positions towards the EU, from soft critiques of particular EU policies to a fundamental opposition to the EU itself. Taggart and Szczerbiak (2008; 2013) propose a classification structure that distinguishes between two separate manifestations of party-based Euroscepticism: soft and hard. Soft Euroscepticism refers to an understated or conditional disagreement about the process of European integration. Instead, hard Euroscepticism covers a total rejection of the idea of political and economic union in Europe and opposition to a country's participation in or future membership in the EU.

Silagadze (2021) suggests a revised classification system adapted from Taggart and Szczerbiak's initial framework, customized for the Georgian context. Under this revised typology, he considers a person a hard Eurosceptic if they completely reject the idea of European political and economic integration and are against Georgia's potential integration with the EU. Instead, a person is considered a soft Eurosceptic if they do not fundamentally oppose European integration or Georgia's accession to the EU but have specific concerns in one or more policy areas that indicate opposition to the EU and its fundamental values.

Theoretical Framework

Based on Mudde's theoretical perspective, society is eventually separated into two homogeneous ("the pure people") and antagonistic groups ("the corrupt elite") (Mudde 2004, 543). This study suggests that the Georgian populist groups considerably impact the country's foreign policy formation by highlighting national identity and sovereignty. This influence can be seen in these groups' foreign policy projections, which emphasize national identity and sovereignty rather than international collaboration. According to Laruelle's (2021) concept of

illiberalism, the rise of illiberal ideologies in Georgian populist groups, seen in Euroscepticism and prioritizing traditional values and national superiority over European values, aims to separate the country from democratic governance.

The theoretical framework suggests the following hypothesis: Georgian illiberal populist groups tend to support the country's foreign policies, prioritizing national sovereignty and traditional values over democratic values and international cooperation and opposing Georgia's European integration.

METHODOLOGY

This study adopts the qualitative research method as its general methodological framework. We will analyze and study the manifestos, public statements, social media posts, and activities of these Georgian illiberal populist groups identified in the literature review. These groups include "People's Power", "Georgian March", "Georgian Idea", "Unity, Essence, Hope (ERI)", and "Alliance of Patriots of Georgia". These groups were selected based on their visibility in the public discourse, political activities, and relevance to the study's focus on illiberal and populist ideologies.

Content analysis will be applied to identify the thematic criteria related to Euroscepticism, traditional values, democratization, and international cooperation. Each of the selected groups will be measured using the following criteria so that later on, we can compare and analyze their similarities and differences: (1) their narrative of Georgian politics and landscape; (2) their attitudes towards democratization and the formation of liberal institutions in Georgia (including minorities rights); and (3) their attitudes towards Georgia's foreign policy (Euroscepticism and pro-Russian narrative).

The analysis was guided by a theoretical framework integrating concepts from the literature on populism, illiberalism, and Euroscepticism. This framework provided the basis for interpreting the findings, allowing for an in-depth examination of how the selected groups' ideologies align with or diverge from theoretical expectations and their implications for Georgia's political landscape.

RESULTS AND ANALYSIS

This section will analyze the earlier identified thematic criteria of the Georgian illiberal populist groups. By examining their public manifestos, speeches, and actions, we expose how these groups express their visions of Georgia's political landscape and foreign affairs path.

The first criterion we established is how those populist groups view and establish their visions of Georgia's political landscape, Georgian identity, and sovereignty. Also, how they use populist rhetoric to a battle between the "corrupt elite" and the "common people". This section aims to shed light on the populist rhetoric and narratives these groups use and reveal their impact on Georgia's political discourse.

Table 1: Criteria 1 - Narrative on Georgian Politics and Landscape by Group (Source: Author's compilation)

Group Name	Populist Ideology	Anti-Elitism	Political Manipulation	National Identity	Notable Statements/Actions
People's Power	Moderate	Present but not dominant	Critiques political elite and focuses on sovereignty	Georgian sovereignty is cautious on clear anti-elite rhetoric	Advocates for transparency slightly criticize EU policies
Alliance of Patriots of Georgia (APG)	Moderate to High	Present but not dominant	Critical of government and opposition and suggests elite manipulation	Supports the EU but emphasizes sovereignty and criticizes the EU's approach	Manifesto supports EU membership, but its leaders critique EU policies
Georgian Idea	High	Dominant	It uses an anti-elite narrative to mobilize support and demonize parliamentary parties	Strong on Georgian identity, opposes Western influence	Calls for an end to the current political system and liberal governance
Georgian March	High	Dominant	Opposes liberal institutions and the political elite while advocating for national values	Strongly nativist opposes Western values and focuses on religion and family	Activities and rhetoric preserve Georgian identity and criticize "liberal dictatorship"
Unity, Essence, Hope (ERI)	High	Expressed	Criticizes "immoral" government and liberal values and opposes external influences	Focuses on national values, family, and homeland	Opposes liberal institutions, advocates for traditional society, criticizes Western "occupation"

Analysis of Narrative on Georgian Politics and Landscape (Table 1)

- **People's Power:** This political party is newly established within the Georgian political landscape. In June 2022, three members of parliament, namely Sozar Subari, Dimitri Khundadze, and Mikheil Kavelashvili, who were formerly allied with the ruling political party "Georgian Dream", announced their decision to leave "Georgian Dream" and establish the new political party within the Georgian parliament. They justify their departure from the ruling party with the need to tell ordinary people all the truth about what is happening inside the Georgian political landscape (Parliament of Georgia 2023). Their narrative is less focused on anti-elitism and more on the critique of external influences, suggesting a moderate populist stance that seeks to balance Georgian interests with careful engagement with the West. With this narrative, they critique established political elites, especially within parliament, and advocate for national sovereignty.
- **Alliance of Patriots of Georgia (APG):** The analysis of this political party is exciting and valuable for research purposes, as they have been elected to the Georgian parliament

twice in the 2016 and 2020 elections. APG's narrative is deeply populist, with a highlight of a confrontation with both the Georgian political elite and external influence on it. APG claims they represent the "true general will" of Georgian citizens. They situate themselves as defenders of national sovereignty while critiquing the EU's influence and approach to Georgia. However, their party statements and manifestos try to combine Eurointegration with nationalist and country sovereignty sentiments (APG 2021).

- **Georgian Idea:** The Georgian idea's narrative towards the Georgian political landscape is clearly stated in their manifestos and election theses, and it centers on anti-elitism, highlighting that the political system in Georgia is corrupted and has to be changed urgently. They are against the current liberal institutions and democratic governance and advocate for returning to traditional Georgian values. They demonize both the current political elite and Western influence, highlighting Georgia's Orthodox foundations and identity (Georgian Idea 2020).
- **Georgian March:** Like the other parties in question, the Georgian March also adopts a strongly populist and anti-elite narrative. Their primary focus is on national and religious identity. Their narrative is tangled with nativist rhetoric, opposing the current political elite and appealing to the idea that Western liberal values influence the political system in Georgia and are a threat to Georgian identity (Bregadze 2021).
- **Unity, Essence, Hope (ERI):** This newly established political party is led by Levan Vasadze. Due to this fact, they did not participate in the 2020 parliamentary elections; they do not have officially established election programs or manifestos. Levan Vasadze criticizes and opposes the "immoral" and corrupt government, noting that they have no authority to be in power as long as they do not express the will of the Georgian people (Civil Georgia 2019). ERI emphasizes the importance of Georgian national values, the Orthodox faith, and the traditional family structure, positioning themselves against the liberal democratic framework and advocating for a return to a traditional societal model (Vasadze 2021).

The second criterion we established is political groups' attitudes toward the ongoing democratization process, their views on liberal institutions, and their attitudes toward various minorities within Georgia. With this analysis, we aim to understand the broader impact of those narratives on the future of Georgia's democratization and societal harmony.

Table 2: Criteria 2 - Attitudes Toward Democratization and Liberal Institutions by Group

(Source: Author's compilation)

Group Name	Stance on Democratization	Views on Liberal Institutions	Views on Minorities	Opposition to Liberal Values	Notable Statements/Actions
People's Power	Skeptical	Critical	Cautious	Criticizes government actions and questions EU integration	Advocated "Transparency of Foreign Influence" legislation in parliament
Alliance of Patriots of Georgia (APG)	Supportive with amendments	Critically Supportive	Conservative	Critical of EU's double standards and emphasizes country's sovereignty	Supports EU membership but critiques EU policies
Georgian Idea	Opposed	Antagonistic	Strongly Opposed	Strong opposition to democratic institutions and liberal values	Advocates for the end of the liberal system of governance
Georgian March	Varied, Nationalistic	Highly Critical	Strongly Opposed	Opposes liberal institutions and values national identity over liberalism	Organizes rallies against LGBT community events
Unity, Essence, Hope (ERI)	Opposed	Antagonistic	Strongly Opposed	Advocates for traditional society and opposes Western "occupation"	Criticizes Western influence and emphasizes Georgian values

Analysis of Attitudes Toward Democratization and Liberal Institutions (Table 2)

- **People's Power:** The PP's narrative towards democratization and liberal institutions in Georgia displays a mixed stance. Generally, they support ongoing democratic processes in Georgia within the context of national sovereignty, but they stay critical of liberal institutions influenced by Western political actors. They show their skepticism towards liberal democratic norms. Those norms are seen as forced by the West, and to save Georgian political processes from external actors' influence, they initiated the "Transparency of Foreign Influence" legislation, which has been seen as a Russian legislation project against liberal institutions. Their parliamentary activity hints at their preference for national consensus over liberal individualism within Georgian reality (Parliament of Georgia 2023).
- **Alliance of Patriots of Georgia (APG):** According to APG manifestos and official party statements, they formally support Georgia's ongoing democratization process. They mainly favor EU integration but suggest some critical stances toward liberal institutions (APG 2021). It is important to note that the content of a manifesto may not necessarily align with the public remarks made by the leaders of a political party. The leaders of the APG voiced their critique of the EU and raised concerns regarding Georgia's path

towards European integration in public addresses (Inashvili 2019). APG's neutral stance towards minorities reflects a broader critique of Western liberal values without directly opposing minority rights. Their political narrative focuses on sovereignty and traditional values, which may suggest conservative views on minorities' rights.

- **Georgian Idea:** Georgian Idea's stance is in solid opposition to Western liberal institutions and values, directly opposed to the current democratic and liberal institutional framework in Georgia, and openly advocates for their replacement. However, following their participation in the 2020 elections, the party adopted a somewhat moderated stance, now emphasizing the necessity of changing certain liberal institutions and the governance system. Their strong opposition to liberal values, including freedoms such as freedom of expression, indicates a rejection of Western democratic norms favoring a more autocratic or traditional governance model centered on Georgian identity and Orthodoxy. They also clearly oppose both ethnic and sexual minorities. Their narrative emphasizes Georgian national identity and Orthodoxy as fundamental, so they see minorities' liberal values and rights as threatening these fundamental Georgian values (Georgian Idea 2020). Their clear opposition to events like "Tbilisi Pride" and advocacy for strict immigration policies underline their nativist and conservative ideology.
- **Georgian March:** Georgian March's narrative is fundamentally rooted in nationalistic and traditionalist principles and opposes liberal democratic institutions. They claim that establishing state institutions and political structures in Georgia should revolve primarily around Georgian national values. These political party representatives consider religion and family values integral to Georgian national identity. Sandro Bregadze has employed a variety of phrases in several interviews and public speeches, including terms such as "liberal dictatorship" and "violation of Christian values", among others (Injia 2019; Gugulashvili 2021). The Georgian March also demonstrates strong opposition to sexual and ethnic minorities. Their statements and actions are radically xenophobic, and they argue that Georgia must have a homogenous national identity based on traditional values such as religion, family, and homeland. They are organizers of many protests against minority rights and anti-immigration protests in Georgia. Their organization of counter-events to LGBTQ activities and xenophobic rhetoric indicate a profoundly conservative and exclusionary approach to minority rights.
- **Unity, Essence, Hope (ERI):** ERI openly opposes liberal institutions and values. They believe that the nation is the main one, and the protection of its values should be the main priority for the government. They keep criticizing both the moral direction of the current government and the liberal democratic framework that the West promotes and that this government has adopted (Vasadze 2017). ERI advocates for a return to traditional Georgian societal norms and expresses skepticism towards Western models of democracy. ERI and its leader, Levan Vasadze, have been organizers of many counter-events to LGBTQ activities as well. They advocate for a society based on Georgian traditions and Orthodox Christian values. They note that all this propaganda is an externally controlled process, and its primary goal is to destroy Georgian cultural identity and propagate the way of life of sexual minorities. Levan Vasadze's name is associated with several high-profile criminal cases due to numerous calls or statements made due

to his illiberal ideology. He is characterized by such a radical and homophobic ideology that he announced the formation of various violent groups across the country, whose primary function was to violate the rights of all minorities and persecute them.

The third and final criterion we established is the foreign policy projections of those Georgian illiberal populist groups, focusing on their Euroscepticism and pro-Russian narratives. Through this analysis, we also assess how these groups' attitudes towards Georgia's path to the EU, NATO, and Russia can impact the country's foreign policy.

Table 3: Criteria 3 - Attitudes Toward Georgia's Foreign Policy by Group (Source: Author's compilation)

Group Name	Euroscepticism	Pro-Russian Narrative	Stance on European Integration	Notable Statements/Actions
People's Power	Moderate to High	Neutral to Slightly Positive	Skeptical/critical - questions benefit of EU membership	Criticizes EU policies, skeptical of EU integration benefits, and concerns over sovereignty
Alliance of Patriots of Georgia (APG)	Low to Moderate	Neutral to Slightly Positive	Supportive but critical, emphasizes sovereignty and critiques EU's double standards	Official support for EU membership with critical perspectives on EU policies
Georgian Idea	High	Strongly Supportive	Strongly opposed - explicit opposition to EU and NATO	Advocates for direct negotiations with Russia oppose Western integration and criticize liberal democratic values
Georgian March	High	Strongly Supportive	Strongly opposed - active opposition to Western influences	Organizes anti-Western rallies, spreads pro-Russian sentiments, opposes EU and NATO integration
Unity, Essence, Hope (ERI)	High	Strongly Supportive	Opposed - critical of Western "occupation" and liberal ideologies	Criticizes Western influence, advocates for traditional societal models, and suggests direct dialogue with Russia

Analysis of Attitudes Toward Georgia's Foreign Policy (Table 3)

- People's Power:** In their media interviews, PP's representatives explicitly state that the candidate's status was "useless" (Parliament of Georgia 2023). PP's stance suggests a cautious engagement with the West, advocating for a more balanced foreign policy considering Georgia's national interests. Also, according to their statement, Western powers' primary objective is to force Georgia with some sanctions to get involved in the ongoing Russia-Ukrainian war, which could potentially escalate tensions towards a state of war. According to a report by the Georgian Institute of Politics (GIP 2023), numerous experts have characterized their parliamentary activities as a "drastic departure from the process of European integration" that "may impede the acquisition of financial aid from European institutions in the foreseeable future".

- **Alliance of Patriots of Georgia (APG):** APG had a distinct section in its 2016 and 2020 parliamentary pre-election manifesto focused on Georgia's admission into the EU. The party officially announces its endorsement of Georgia's accession to the EU as a political and economic union (APG 2021; Parliament of Georgia 2020). APG officially does not show Eurosceptic tendencies according to party manifestos. However, it is essential to note that the content of a manifesto may not necessarily align with the public remarks made by the leaders of a political party. The leaders of the APG voiced their critique of the EU and raised concerns regarding Georgia's path toward European integration during their public addresses (Inashvili's Facebook 2020).
- **Georgian Idea:** Georgian idea's narrative about the country's foreign policy is radically oppositional, and they disapprove of Georgia's increasing affiliation with the EU and NATO. They publicly express Euroscepticism and hold a stance against developing stronger ties between Georgia and those organizations. Regarding their stance and perspective on the nature of Georgia's relations with Russia, they prioritize engaging in direct diplomatic discussions to address the issue of territorial integrity. Acknowledging that they tend to avoid openly expressing pro-Russian attitudes and delivering speeches is essential. However, in contrast to their involvement in protests against Euroscepticism and European integration, they do not give speeches or organize rallies that are explicitly anti-Russian nor actively participate in such activities (Georgian Idea 2020).
- **Georgian March:** Georgian March can also be considered a strongly Eurosceptic and pro-Russian party actively campaigning against Western influence in Georgia. Their political activities and rhetoric emphasize Georgian national identity and traditional values, positioning the West and its liberal democratic norms as opposing Georgian society (Gugulashvili 2021). They often organize anti-Western influence rallies and events; however, they do not hold such events and do not protest against Russia's policy in Georgia. It is by spreading anti-Western rhetoric that they are promoting Russian interests in the country. Sandro Bregadze, in his speeches, demonstrates a willingness to express pro-Russian sentiments publicly (Bregadze 2021).
- **Unity, Essence, Hope (ERI):** Levan Vasadze and his movement have gained recognition for expressing critical views of Western influences and being skeptical of European integration. They offer a critical perspective on the foreign policy and orientation of the Georgian government, declaring that Georgia has assumed an obedient role to Western liberal ideology, compromising its autonomy. Against the background of anti-Western and Eurosceptic statements and ideologies, Levan Vasadze's attitude and views on Georgian-Russian relations are interesting. He developed the extensive idea in anti-liberal movements that direct negotiations with the Russian Federation are needed to reclaim territories and to "warm" relations (Vasadze 2021). Levan Vasadze also has contacts with various anti-liberal movements in Russia and their founders, who are in close contact and are considered to be a close circle to the President of the Russian Federation, Vladimir Putin. Such is one of his close friends, Alexander Dugin, the founder of the Eurasian movement and the so-called founder of anti-Western policies and ultranationalist ideology in Russia (Radio Freedom 2021).

SUMMARY OF MAIN FINDINGS

The analysis has explored the complex landscape of populist and illiberal ideologies within certain Georgian political groups, revealing their attitude towards the Georgian political landscape, democratization, liberal institutions, minorities, and foreign policy direction and projections. Our findings and analyses are based on the narratives and public actions of selected political groups, which offer rich insight for understanding the current and potential future dynamics of Georgia's political discourse and policy projections. The ongoing discussions in this section aim to synthesize these findings and insights within the broader theoretical and empirical context explored above in this study. The aim is to consider and discuss findings of wider significance for Georgia's democratic integrity, its path toward European integration, and the country's foreign orientation.

Democratization and Liberal Institutional Development

The analysis of Georgian illiberal populist groups' narratives and attitudes towards democratization and liberal institutions have revealed a complex interconnection between those populist ideologies and the political landscape of Georgia. The anti-elitism rhetoric among these groups aligns with Mudde's (2004) conceptualization of populism as an ideology that represents a battle between a homogeneous group ("the pure people") and an antagonistic group ("the corrupt elite"). Findings show that the groups' manifestos and statements - "Georgian Idea", "Unity, Essence, Hope (ERI)", and "Georgian March" - illustrate the narrative of corruption in the governance system. They are also against current democratic institutions, echoing Pappas's (2019) observations on the illiberal challenge to liberal democracy. They are positioning themselves as defenders of the "ordinary people" against globalization and liberalization. The opposition to liberal democratic institutions and values are evident in the narratives of "Georgian March", "Georgian Idea", and "Unity, Essence, Hope (ERI)". They critique Western liberal order and institutions and are against their "liberal dictatorship" in Georgia. They are against the current governance model in Georgia. They are advocating for a return to a conservative governance model, which will advocate for the essence of Georgian identity and values against ongoing globalization and liberalization pressures. They consider themselves defenders of Georgian national identity, traditional values, and religion, ignoring minority rights. Their political views and skepticism towards democratization and liberal institutions also highlight a rejection of liberal democratic development (Table 4).

Table 4: Potential Risks to Democratization and Liberal Institutional Development¹

(Source: Author's compilation)

Group Name	Undermining Democratic Norms	Polarization and Social Division	Foreign Policy Manipulation	Stifling Civil Liberties
People's Power	Moderate	Moderate	Yes	Moderate
Alliance of Patriots of Georgia (APG)	High	High	Yes	High
Georgian Idea	High	High	Strong	High
Georgian March	High	High	Strong	High
Unity, Essence, Hope (ERI)	High	High	Strong	High

Policies of Illiberal Far-Right Groups in Georgia

There are noticeable differences in the foreign policy of those groups. The ideological orientation of "People's Power" is officially recognized as pro-Western; however, it is essential to acknowledge that their ideology combines radical right-wing ideology and skepticism towards the Western impact on a country's foreign projection. The foreign policy stance of the "Georgian March", "Unity, Essence, Hope (ERI)", and the "Alliance of Patriots of Georgia" includes a combination of openly anti-Western skepticism and a pro-Russian radical right-wing ideology. They oppose Georgia's affiliation with Western institutions, like the EU and NATO, viewing them as opposing Georgian sovereignty and traditional values. Party manifestos are qualified as moderate to high Euroscepticism with a cautious stance towards Russia, advocating for Georgia's European integration while emphasizing national sovereignty and traditional values. "Alliance of Patriots of Georgia" also emphasizes maintaining a "military neutral status" for the country.

The narratives towards Russia are similar, at least within the four groups in question. According to the narratives of "Georgian Idea", "Alliance of Patriots of Georgia", "Georgian March", and "Unity, Essence, Hope (ERI)", Georgia faces significant political and socio-economic challenges, and the resolution of those challenges is through engaging in direct dialogue with the Russian Federation. From their perspective, this approach is essential to ensure the eventual de-occupation of the territories currently under Russian control. Also, they argue that developing stronger economic ties with Russia will sustain the nation's economy. They do not hesitate to engage directly with Russia to achieve this goal. For instance, various Georgian political groups released a joint public statement on February 20, 2022. In this Eurosceptic

¹**Yes:** This risk exists, but its severity may vary or be less pronounced than those marked "High" or "Moderate".

Moderate: Denotes a moderate attitude towards the policy, with some support but less prominently featured on their platform than other policies.

High: There is a strong likelihood or evidence that the group contributed significantly to the risk.

Strong: Demonstrates strong support and promotion of the policy, which is often central to the group's platform.

statement, they address the President of the Russian Federation, highlighting their opposing position towards Western values and the ongoing liberalization process in Georgia. They also underline their desire to improve the tense relations between Georgia and Russia. This statement has been initiated by the “Alliance of Patriots of Georgia” and joined and endorsed by other pro-Russian groups, including the “Georgian March”.

When discussing the connection between Russian and Georgian political ideologies, it is imperative to mention that APG has made several official visits to Moscow, the Russian Federation, within the past five years. Also, it is crucial to underline Levan Vasadze’s connections with Alexander Dugin. In a particular interview, Dugin talked openly about his friendship with Vasadze, and he also mentioned that Georgia’s neutrality will serve as the foundation and assurance for dialogue, which will solve all the challenges in relations between Georgia and Russia (Table 5).

Table 5: Policies of Illiberal Far-Right Groups in Georgia² (Source: Author’s compilation)

Group Name	Euroscepticism	NATO Opposition	Pro-Russian Foreign Policy	Conservative Social Policies
People’s Power	Moderate	Moderate	Moderate	Yes
Alliance of Patriots of Georgia (APG)	Yes	Strong	Strong	Yes
Georgian Idea	Strong	Yes	Strong	Yes
Georgian March	Strong	Yes	Strong	Yes
Unity, Essence, Hope (ERI)	Yes	Yes	Strong	Yes

CONCLUSION

Our research demonstrated the role and influence of populist, illiberal groups on the Georgian political landscape and highlighted the challenges to the country’s democratization and European integration. Exploring Georgian populist and illiberal groups reveals a complex and challenging landscape for Georgia’s ongoing democratization and European integration processes. These challenges concern the establishment and strengthening of liberal and democratic institutions within the country, as well as the formulation and execution of foreign policy. Georgia must overcome these challenges and progress in its institutional development to comply with the conditions necessary to become a full member of the EU.

Our analysis, based on the narratives and actions of our selected political groups, revealed their widespread skepticism towards liberal democratic institutions and their aspiration and desire to establish a governance model in Georgia based on nationalism and traditional values. Their positions undermine democratic values and norms, contribute to polarization, and manipulate the country’s foreign policy orientations. Even though these political groups lack

²**Yes:** This indicates that the group is actively promoting the policy.

Moderate: Denotes a moderate attitude towards the policy, with some support but less prominently featured on their platform than other policies.

Strong: Demonstrates strong support and promotion of the policy, which is often central to the group’s platform.

direct electoral success in the 2020 Georgian parliamentary elections, these illiberal groups' informal and indirect influence cannot be underestimated. The narratives of all groups regarding Georgia's Foreign affairs are similar, with minor differences. They oppose the "dirty elite," which unites both the ruling and opposition parties that are actively involved in parliamentary activities and the country's policymaking political agenda. However, it is noteworthy that these illiberal groups focus primarily on allocating blame to the government rather than presenting any political alternatives or solutions to address these challenges.

Russian political ideologies and actors influence the ideas of Georgia's illiberal groups. An analysis of the narratives and manifestos of these groups shows that their attitude toward Western values is skepticism influenced by Russian ideology. Georgian ultra-right populist groups adopt rhetoric and political tactics favoring Russian political interests and promoting pro-Russian sentiments among Georgian citizens.

The rise of populist, illiberal actors within the Georgian political landscape may not directly impact the country's foreign policy projections in the short term. However, their potential to affect the country's European aspirations and democratic development in the long term stresses cautious attention. This study shows that by advocating policies and narratives that closely align with Russian interests, these groups are hindering Georgia's efforts to join the EU and deepen its integration with Western institutions. Their actions could weaken public support for Euro-Atlantic goals and make enhancing relationships with Western allies harder. These ideologies' permanent presence and influence on Georgia's foreign policy emphasize the critical necessity for strategic involvement and opposing standpoints to protect the country's democratic endeavors and future goals for its European integration and aspiration toward the West.

Collective endeavors to counter illiberal influences are vital to overcoming these challenges and reducing illiberal factions' potential consequences on Georgia's political landscape. Georgia can only ensure its democratic future and achieve its goal of becoming a fully integrated member of the European Union through such endeavors.

In the end, this study showed that inherent difficulties and instability characterize the dynamics of Georgia's political landscape development; the ideological variability of these groups in the narratives is frequent, which raises the need for observation for future studies. Future studies should focus on and investigate the mechanisms by which these groups influence the formation of public opinion and study their impact on Georgia's political orientation and international relations in the long term.

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ASSESSING SUCCESS THROUGH PARTY LABEL DURABILITY: A COMPARATIVE STUDY OF THE DEMOCRATIC PARTY OF ALBANIA AND THE HOMELAND UNION OF LITHUANIA

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Abstract: *This study provided a theoretical framework explaining center-right opposition parties' evolution in former Eastern Europe. It answered why post-communist center-right parties lacked consistent success and either became marginalized, altered their ideologies, or ceased to exist in the long run. By taking the Democratic Party of Albania as one of the exceptions to the rule and comparing it to the Homeland Union-Lithuanian Christian Democrats, we showed the discrepancy with much of the other center-right parties. We followed a most different systems design, where the dominant center-right party of Albania and the dominant one in Lithuania were compared. Although much different in history, political culture, and institutions, they had similar successful trajectories as dominant center-right parties. We argued that the success of these parties depends upon the durability of party labels as a critical determinant of a party's success historically, which takes priority over party strategy, mobilization power, social base, and the behavior of the center-right party toward political institutions. Overall, we emphasized party labels as cues of party identification and success.*

Keywords: *Center-Right Parties; Eastern Europe; Democratic Party; Albania; Homeland Union-Lithuanian Christian Democrats; Lithuania*

INTRODUCTION

The center-right parties in Eastern Europe were born as anti-communist fronts and generated a social mobilization never seen before and after. More than three decades in the making, these center-right political parties have marginalized, transformed themselves ideologically, or disappeared altogether. Often, they ceased to exist, replaced by new parties occupying the center-right or shifting the political scenery to the extreme right. Only a couple of exceptions have survived, remained ideologically aligned to their foundations, and have also shown electoral resilience through time. By focusing on the Democratic Party of Albania (DP) and comparing it to another similarly successful center-right party in Eastern Europe - Homeland Union-Lithuanian Christian Democrats (HUCLD), we seek to understand better why the majority of anti-communist fronts that emerged as center-right parties in the aftermath of communism failed to sustain themselves politically in the long run. In contrast, a few others, like our selected cases, proved resilient.

This study focuses on center-right political parties because they represent a paradigmatic shift and a break with the communist past. While center-left parties, in most cases, represent a

continuity of the former communist regime characterized by the one-party state model, they can thus be considered successor parties (Bozóki and Ishiyama 2002), the center-right parties were the main opposition that signaled the birth of the political pluralism. What is puzzling, though, and the initial starting point of our research, is why most of these emerging center-right opposition parties in former Eastern European space disappeared with time, became fringe parties, or changed their labels and other political symbolism.

The present paper focuses chiefly on the success or failure of center-right political parties in electoral terms. It also seeks to understand why most of these parties disappeared altogether or became irrelevant to political struggle. In a third variant, they transformed themselves ideologically, like Fidesz did in Hungary. However, we only consider the role and impact of the center-right parties while excluding the fringe and radical right parties that have been the focus of other published work (Buščíková 2018). Furthermore, we exclude historical parties re-established after the fall of communism, such as the National Liberal Party of Romania.

Therefore, the cases of DP and HULCD (Lith. TS-LKD) are taken under particular scrutiny as outliers that help us understand the ongoing and continuing support for a center-right political party in a setting like former Eastern Europe where all the other mainstream center-right political parties have either disappeared, ideologically transformed, or changed party labels from their inception in the early 1990s to today.

Therefore, we need to analyze the explanatory factors leading to such deviation in the first place. Hence, our research question is: Why did the Democratic Party of Albania and Homeland Union-Lithuanian Christian Democrats of Lithuania prove so successful, while most of the other center-right counterparts in Eastern Europe had much shorter political lives?

Our argument hinges on the idiosyncratic role of the durability of party labels in predicting long-term party success. We contend that this factor surpasses others, such as party strategy, the behavior of center-right parties toward political institutions, mobilization power through establishing a predominant social base, or preferences of international partners, all acknowledged in the existing literature. Therefore, we aim to address a significant gap in the current literature by highlighting the importance of party labels and the accompanying membership identification. We seek to ascertain whether they hold any relevance or exert any degree of influence on electoral success, particularly concerning center-right parties in the Eastern European context. To achieve this, we define and operationalize party stability and success, not solely relying on party labels as proxies but also following Borbáth (2020), considering their programmatic stability.

The paper's primary objective is to make a theoretical contribution in understating the trajectories of the first opposition parties of the center-right in what is now commonly referred to as "New Europe" (Baker 2003, 1). It seeks to understand why they generally failed, while the center-left parties had a more successful trajectory, whereas the initial expectation was for the opposite to happen. Secondly, this study seeks to understand the causes and offer a valid explanation for the durability of party labels as a prime indicator of a party's success in historical terms.

Lastly, the present study holds additional empirical significance due to the Democratic Party (DP) in Albania finding itself embroiled in an existential battle. It has consecutively lost

three general elections for the first time in its three-decade history. This current development is far from routine; it poses a significant threat to the party, potentially weakening it, causing division, and even rendering it irrelevant in the near future. However, despite these extraordinary circumstances, the party label remains unchanged, even as opposing factions contest ownership of the party's seal in court. This paper aims to analyze the reasons behind its longevity thus far, alongside its counterpart, the Homeland Union - Lithuanian Christian Democrats (HULCD) in Lithuania. We seek to answer what factors have contributed to their resilience, focusing mainly on party label durability. This often overlooked aspect explains party resilience in the long run, especially in the context of former Eastern Europe.

LITERATURE REVIEW

Communist legacy has been one of the determinants of post-communist paths in the former Eastern European space. Communist legacies are "the structural, cultural, and institutional starting points of ex-communist countries at the outset of the transition" (Pop-Eleches 2007, 910). Similarly, Anna Grzymała-Busse (2002, 15) defines legacies as "patterns of behavior, cognition, and organization" that can be traced back to the communist regime, and she also adds that they tend "to persist despite a change in the conditions that initially gave rise to them" Anna Grzymała-Busse (2002, 15). Communist legacy has mainly structured the successor parties that emerged from former communist parties that were transformed into the new socialist or social-democratic parties.

The center-right political parties in Eastern Europe emerged from "broad-based anti-communist coalition movements" (Innes 2002, 88). The general contention in the existing literature is that after the first parliamentary elections, these inchoate and diverse movements had to establish political parties (Innes 2002; Bakke 2010; Vachudova 2008). The ideological profile of these newly emerging center-right parties could be either predominantly liberal in favor of institutionalizing a market economy or predominantly conservative and, to some extent, nationalist, highlighting the cultural cleavage in the society rather than socio-economic programmatic divisions in party competition. Various factions within or emerging from the anti-communist movements initially competed to define the dominant center-right political party (Bakke and Sitter 2005). Vachudova (2008) argues that in those cases in which the anti-regime opposition "was strong enough to take power in 1989 or 1990, it went on to become the ideological, organizational, and elite base for one or more moderate right parties with ties to the West European center-right" (p. 389).

Meanwhile, the same center-right party can initially manifest a liberal ideology and then later transform itself into a conservative party or merge conservative and liberal ideas, as with the Civic Democratic Party (ODS) (Bakker and Sitter 2005). Fidesz is the epitome of this ideological transformation of the same party (Innes 2002; Enyedi 2005a). However, it should be mentioned that political parties such as Fidesz, Law and Justice (PiS) in Poland, and Action of Dissatisfied Citizens (ANO) in the Czech Republic "radicalized while in government" (Vachudova 2020, 318). Hence, by adopting an ethnopopulist strategy and ideology, such political parties that used to be mainstream conservative ones "play[ed] outside the bounds of the liberal democratic playing field" (Vachudova 2020, 321).

With few exceptions, there is a shared agreement in the party politics literature that those center-right parties that were conservative and used “anti-communism as one of the most important markers of right-wing identity” (Enyedi 2005a, 233) were most successful (Haughton 2014; Innes 2002; Bakke 2010) than liberal parties, which in East Central Europe formed coalitions with the center-left parties. The splinter parties from the DP, which remained loyal to the liberal creed, became coalition partners of the dominant center-left party. At the same time, the DP became a traditional center-right party and utilized the anti-communist ideology. The HULCD, emerging as the heir of the Reform Movement of Lithuania (Sąjūdis), became the mainstream center-right party renouncing any left-liberal or centrist position that was characteristic of the political factions that left the movement and, by default, the HULCD.

However, a specific combination of ideologies is insufficient to explain the success of a center-right party created after the opposition movements against the communist regime. A thin definition sees them as “center-right formations that have been accepted into the main organization of the European center-right” (Hanley 2004 quoted in Bakke 2010, 11). Yet, a more substantive definition of a center-right party is needed to assess one of the critical factors of party durability and dominance: the party strategy (Bakke and Sitter 2005). According to this definition, a center-right party: “identifies with core West European center-right traditions and fuses liberal-capitalist modernization with traditional moral values and specific local and national identities” (Hanley 2004 quoted in Vachudova 2008, 393).

When distinguishing between successful and marginalized center-right parties, Innes argues that parties that followed more “programmatic, ideological, or constituency-based strategies over catch-all strategies” (2002, 91) have done poorly electorally and in the long run. Yet, this argument is mainly based on the assumption that the political parties of the opposition were, first and foremost, broad-based movements and that these movements founded political parties after achieving political representation in the parliament. Henceforth, these center-right political parties became catch-all parties if they sought to become dominant. Nonetheless, this argument is contradicted by the empirical evidence presented in this article, which focuses mainly on Albania, in which the main center-right opposition party was already established before the constitution of a broader anti-communist political movement.

On the other hand, following an ideological or constituency-based strategy does not necessarily imply a coherent programmatic and substantive policy-oriented strategy of political competition. While DP followed an anti-communist ideology and created partisan linkages with those social groups that experienced communist persecution, it has also not been entirely coherent in terms of economic or social policies that benefitted them. A second assumption of this conventional and legacy type of argument is that it contrasts historical center-right parties of the inter-war period with the dominant center-right parties of post-communism (Innes 2002; Sitter 2008)—the historical parties are described as having a clear constituency and a more defined ideological profile. However, evidence shows that historical parties of the center-right, with a few exceptions, fared poorly electorally in the post-communist period (Kitschelt et al. 1999). Henceforth, the dominant center-right parties that succeeded or anticipated anti-regime opposition movements incorporated policy positions and ideologies usually associated with the right-wing historical parties. By doing so, the newly created center-right parties outplaced these historical parties, which became fringe or marginal in the post-communist period.

Here, we argue that such parties' success mainly depends upon the durability of party labels as a critical determinant of a party's success in the post-communist period, which takes priority over other factors often widely discussed in the literature. Such factors are political systems, mobilization power and social base, international recognition, and the behavior of the center-right party towards political institutions that have already taken considerable attention in the existing scholarship. For example, political parties in post-communist countries are considered to lack a social base, and partisan loyalties are not entrenched. The party systems in CEE have been characterized by electoral volatility (Bakke 2010) and, more recently, by breakthrough anti-establishment parties (Hanley and Sikk 2016) and instability (Haughton and Deegan-Krause 2015). The anti-establishment parties formed in Albania have not passed the electoral threshold and did not pose a challenge to the dominant center-right party and the two-block party competition.

Notwithstanding the electoral volatility and the upending of the party system institutionalization across East-Central European countries, scholars have argued that "on the contrary, there was evidence of social basis to party support across the region already in the early 1990s" (Bakke 2010, 1). The interaction between the social base of a political party and the political party seems to be at the center of this argument. If the center-right political parties were: "Parties with large membership (...) and early opposition parties" (Bakke 2010, 4), then they could claim a solid social base support. Yet, the interaction between the social base of a party and the political party is an indicator of party institutionalization (Casal-Bértoa 2012), which, among others, is triggered by "the close identification of the parties with their faithful followers (both members and voters), prompt[ing] a certain continuity in their ideological positions (Mainwaring and Zoco 2007 quoted in Casal-Bértoa 2012, 457).

Building upon arguments made by (Bakke and Sitter 2005), one of the factors that influence the durability of the center-right party is the party strategy, defined as: "the link between goals and their achievement, a formula for how a party is going to compete" (Bakke and Sitter 2005, 244). Henceforth, the center-right political party may strategically decide to emphasize a particular ideology and appeal predominantly to a specific constituency without necessarily endorsing a programmatic party competition. Thus, the dominant center-right party could have initially pursued a particular strategy of party, which appeared to be less effective, and switched to a more convenient and successful party strategy. The empirical evidence regarding center-right parties' strategies in post-communist East Central Europe shows that the political strategy could stem from "Western European ideologies" (Sitter 2008, 434-435) to "inter-war or immediate post-war ideology, the struggle against communism, or even to focus on the problems of post-communist state-building" (Sitter 2008, 434-435). Another causal factor contributing to the stability of the center-right political party that dominates the center-right political spectrum is its mobilization power (Enyedi 2005a). Still, it did not play a central role in the DP case. Instead, it mainly depended on party labels, which affected the mobilization structure, as we argue here.

The Democratic Party, contrary to most center-right parties in Eastern Europe, was already established as a party organization before the first parliamentary elections after regime change. Vachudova (2008) highlights three key factors that characterized the anti-regime opposition movement in 1989 or 1990, which bequeathed a specific legacy influencing the type

of the center-right party that dominated after regime change. These factors include “the character, resources, and organizational capacities of the opposition before 1989” (2008, 395).

The opposition movement’s character was diverse and pluralistic, including within almost any anti-communist opposition, liberals, social democrats, and conservatives. Henceforth, we argue that the character of the opposition movement is not a pre-condition for the type of center-right party that becomes dominant after the regime change and after the first parliamentary elections. More proximate causes, such as party strategy, mobilization power through the establishment of a predominant social base, and the behavior of the center-right party towards political institutions created after regime change, contribute to or enhance the durability of the center-right political party. However, the familiarity of the party label and its consistency over time remain crucial in predicting a party’s long-term success.

As Enyedi (2005b) has argued, the political elites empower existing societal cleavages. This happened in most cases, like the Visegrád countries or some of the former Yugoslav republics like Slovenia or Croatia, where a culture of cultural and political dissidence existed even during communism, but not in Albania, which suffered from a totalitarian form of regime (Kalemaj 2020). In the Albanian case particularly, the anti-communist manifesto became the dominant speech through which different societal strata could articulate their various dissatisfactions with the country’s political development, such that all other possible cleavages were subsumed to the communist versus anti-communist thesis, such as the case of DP (Kajsiu 2016a, 2016b).

Regarding elite resources, DP was established in favorable conditions because the traditional anti-communist diaspora was banned from contesting the first parliamentary elections and getting organized politically. On the other hand, the key representatives of the DP were part of the state socialist intelligentsia, which started to manifest some degree of autonomy from the state socialist regime in the late 1980s and did not seek to reform or merely liberalize the communist regime. Thus, one could argue that the opposition had sufficient resources to become appealing to the public. Meanwhile, it was also the first party of the opposition to be established, thus having an early advantage over the others. Furthermore, DP’s leadership strategically chose to identify the party with anti-communist ideology and with the social group of the politically persecuted, who became the DP’s social base’s core unit. In this respect, the DP responded to later splinter parties such as DAP (Albanian: Aleanca Demokratike), which remained an elitist cadre party without a consistent social base and mass membership. The DP exercised a political agency to foster linkages with a specific social group and to alienate the social groups or communities whose identity was not anti-communist or established due to the dividing lines of the Second World War.

METHODOLOGY AND RESEARCH DESIGN

This study focuses on DP and HULCD while using the Most Different Case Design. The scope condition limits itself to spatial dimension by focusing on Eastern European political space and its programmatic nature by specifying the center-right parties. Temporally, we restrict ourselves to the post-1990s since this is the period when the opposition parties contested the

former communist regimes. Therefore, we consider only newly created opposition parties that emerged as anti-communist fronts and occupied the center-right in the political spectrum.

For this study, we exclude other similar parties that did not necessarily emerge as anti-regime opposition fronts but had an ethnic or nationalist background.

The Most Different Case Design, where cases differ but have the same results (King et al. 1994), enables us to understand why, given the many differences between Albania and Lithuania, they still have the same outcome of resourcefulness and success of their center-right parties. Despite their distinct geographies, historical trajectories, political cultures, and institutional frameworks, the Democratic Party (DP) in Albania and the Homeland Union - Lithuanian Christian Democrats (HULCD) have both experienced similar successful trajectories in the post-communist period, emerging as and maintaining their positions as the dominant parties on the right side of the political spectrum. Furthermore, despite the ethnic homogeneity in the Albanian case and the multi-ethnicity with a solid ethnic Russian community in Lithuania, along with differing institutional foundations and electoral rules, both parties have demonstrated the same resilience in achieving success as center-right parties. Simultaneously, these cases stand out as the sole exceptions to the uninterrupted political success among other center-right parties that emerged after communism.

This study also sheds light upon most other unsuccessful trajectories of the center-right parties in Eastern Europe. In contrast, Albania and Lithuania proved more resilient despite the same threats and the presence of split parties and other domestic competition. To this day, they both remain the single largest parties on the right of the political spectrum and one of two dominant parties overall in their respective countries, which, according to our operationalization, is the primary indicator of political success.

The present study also proposes a framework for understanding the center-right parties in this part of Europe and analyses their post-communist trajectories. In line with that, our dependent variable is party success, while the independent variable is the consistency of the party label. We measure party success as achieved by the ability to remain one of the two major political parties in the entire post-communist period. In contrast, the consistency of the party label is indicated by retaining the party's original name as a key identification mark that connects with voters. Therefore, we argue that such parties' success is conditioned by their resilience, which is measured particularly by label durability. Our hypotheses, which we test through the selected cases, consider party durability as a critical determinant factor vis-à-vis party strategy, mobilization power, or preference by the international partners.

Meanwhile, our intervening variable is challengers within the same political camp and their relative success or failure to impose significant electoral damage on the main center-right parties. We rely on data collection from primary documents such as party statutes to secondary data analysis of the V-Party Dataset and the Political Parties, Presidents, Elections and Governments database (PPEG) to highlight features of party identity and ideological consistency as well as party vote share in parliamentary elections as a feature of party success. We also rely on an extensive review of literature in the field. We mainly focus on secondary analysis of "the use of existing research data to find the answer to a question that differed from the original work" (Szabo and Strang 1997).

RESULTS AND DISCUSSION

Eastern European Party Instability

The Eastern European political parties of the center-right emerged as the frontline resistance and contestation to the ailing communist regimes. That was true from Budapest to Tirana and from Vilnius to Sofia. Irrespective of the fact that some of these former communist regimes have been totalitarian like Soviet Union during Stalin's era or the example of Albania under Hoxha regime, post-totalitarian like the Visegrád countries, authoritarian like Poland (Stepan and Linz 1996), or *a sui generis* "market socialism" like Tito's Yugoslavia (Uvalić 2018), they all shared a post-communist transition that emerged either with a violent uprising like in the aftermath of Ceaușescu's Romania or the format of "velvet revolution" like in Prague. These social and political revolutions brought into power either successor parties, primarily composed of reinvented communist parties transformed into socialist or social-democratic parties, marked by changes in party labels. Alternatively, they ushered in newly created center-right parties that injected new political dynamism by introducing novel forms of resistance, narratives, and political activity. Some of these center-right parties were short-lived, such as the Union of Democratic Forces in Bulgaria, which were soon penalized in electoral terms because of market reforms they undertook and shrank to political insignificance after that, or they transformed themselves ideologically, although solidly remained one of the main actors in the political scene, like Fidesz in Hungary, which undertook a U-turn from political liberalism toward a conservative political party advocating illiberal democracy (Keneş 2020).

The two notable exceptions from the general rule are HULCD and DP. Both share the same traits of economic liberalism and liberal conservatism with the majority of the European People's Party Group (EPP), members of which they both are. Below is a table that constructs a typology of center-right parties' success depending on the consistency of party labels from the beginning of political pluralism in 1989 until now.

Table 1: Consistency of Party Label and Ideology: Varied Levels of Political Success
(Source: Authors' depiction)

Party success (DV)	
	High Low
Consistency of party label	High
	Low
High	<div>DP (AL)</div> <div>HULCD (LT)</div> <div>Christian Democratic Movement (SK)</div> <div>Civic Movement (CZ- now defunct)</div> <div>Fidesz (HU)</div> <div>Union of Democratic Forces (BG)</div>
Low	<div>National Liberal Party (RO)</div> <div>Freedom Union (PL)</div> <div>Partidul Democrat (RO)- later changed its label to PDL (RO)</div>

In line with our argument, the table above does not consider parties such as GERB/SDS in Bulgaria, which was founded in 2006, or other similar center-right parties that did not emerge in the late 1980s/early 1990s for the first time. We also exclude other parties that may fit ideologically and were created in this time frame but had an ethnic/nationalist background rather than an ideological, anti-regime one.

Democratic Party of Albania

In general, in cases like Albania, where the past still divides present politics, the competition has continuously revolved around the two major parties, even though such parties lack clear ideological profiles (Meka and Kalemaj 2018). However, both the Socialist Party and the Democratic Party represent not only the political spectrum at large but also a stark contrast to each other and clear alternatives to voters of the left and right. As such, they have dominated the Albanian political life and election cycles from 1991 until now. The resilience of the party labels for both has been an indicator of these parties' strength and continuity. While it is easier to understand the success of the Socialist Party as the successor party of the previous Labor Party based on the communist legacy and the impact of critics of democracy (Meka and Kalemaj 2020), it is more puzzling to explain the DP's success in longevity and electoral strength.

Not only is DP a rarity among the Eastern European center-rights parties to maintain its status as one of the country's two main parties, but it has also kept the same label uninterrupted and, even more importantly, the same ideological roots from its inception. This party was created as a sizeable anti-communist movement and served as a catch-all party for liberal democrats and social conservatives, for former politically persecuted and property owners, and has continuously done well among the country's youth. It is a member of EPP and shares the conventional thinking of center-right parties, mainly from Germany's CDU, Great Britain's Conservative Party, and the US Republican Party.

The Albanian Democratic Party started its life on 12 December 1990 and, after failing in the first general elections, triumphed in the parliamentary elections on 22 March 1992. Its electoral campaign promised and, in large part, realized daring reforms that signaled a break with the totalitarian regime, such as free-market reforms, the rule of law, and the protection of individual freedoms, including property rights. On the other hand, it also grew increasingly autocratic under the leadership of Sali Berisha, who became the Republic's President and kept tight control of the DP.

The Democratic Party of Albania and its allies secured 122 out of 140 seats in the parliament after the second round in 1996 (Nohlen and Stöver 2010, 133), enabling them to form a majority government (Albania, Parliamentary Chamber 1996), with Sali Berisha securing another term as President. The Socialist Party (SP) and the Albanian opposition vehemently contested these elections due to alleged irregularities. Following the breakdown of civil order in 1997 stemming from widespread Ponzi schemes, the Democratic Party lost the preliminary general elections of 1997 and entered opposition for two terms. It returned under the leadership of Sali Berisha, who was appointed prime minister in 2005. This comeback lasted for two full terms in coalition with partner parties until the party lost the general elections of 2013.

Currently, the Democratic Party (DP) faces its most significant existential threat, which originates from within its ranks. Sali Berisha, the party's former leader and founder, spearheads a challenge against its current chairman, Lulzim Basha, despite having supported him for eight years and through three consecutive re-elections within the party. This rift emerged after the US Department of State publicly designated Sali Berisha due to his involvement in significant corruption (Blinken 2021), leading Lulzim Basha to expel him from the DP parliamentary group. This situation represents the party's most formidable test to date. The risk of the party splitting into two factions looms large, as both sides have submitted independent statutes to the court and have conducted their national conventions, each claiming rightful authority over the party. However, the only factor preventing an official split is the DP label and seal, which hold significant sway and command numerous votes due to their legacy and enduring resilience. Consequently, both factions vie for legitimacy as the rightful owners of the party label, symbols, and most of its members.

What makes it particularly compelling for this paper is Berisha's declaration stating that "in former communist countries, center-right political parties that emerged as anti-communist forces are now archived. But we survived" (Berisha 2021). This statement makes a dual assertion: firstly, that the credit for the party's persistence should be attributed to him as the one currently rescuing the party, and secondly, that it should not be assumed that the party will continue to exist indefinitely.

However, during the last three decades, DP has shown such party label durability and overall resilience based on its loyal positioning toward state institutions and its mobilization power, mainly through broad-based societal coalitions such as those formerly persecuted by the Communist regime and former property owners, as well as being recognized as the official partner by EPP, IDU and other international networks of center-right parties. The DP's party statutes indicate the consistency of party ideology. According to the DP's 2018 party statute, the DP stands for: "freedom, democracy, belief in God, traditional family, and sanctity of private property. Freedom, human dignity, fair competition, and meritocracy stand at the core of its philosophy" (DP Party Statute 2018). DP maintained these values and ideology from 12 December 1990, when it was first created as the main opposition party. The same ideological principles are reiterated lately in Article 3 of the latest DP statute (DP Party Statute 2023). Thus, the DP reflects the same values and norms of the liberal-conservative EPP political group, to which it belongs as a center-right party. According to the V-Party dataset on the ideological stances of the Albanian political parties along the economic left-right scale, evidenced by Figure 1 below, the DP has shown a clear ideological consistency of a mainstream center-right party from the early 90s until 2016.

Specifically regarding the party's label durability as the primary indicator of success, until recently, it is notable that all splinter parties that emerged from the Democratic Party (DP), such as the Democratic Alliance (established in 1992 and still active), the New Democratic Party (active from 1999 to 2009), or the New Democratic Breathing (Albanian: FRD, active from 2012 to present), failed to achieve any significant political success. Instead, they either became defunct or remained fringe parties. The existing political feud within the DP further supports our hypothesis, as both factions, led by Berisha and Basha, struggle to retain control over the party

label, stamp, building, and symbols. This contention underscores the belief of both sides that the party label, in particular, holds significant value in representing the party's history and tradition.

The Democratic Party (DP), as indicated by the data in Table 2, depicting weighted vote share, has maintained stable popular support in nearly all parliamentary elections from 1991 to 2021, solidifying its position as the dominant center-right party in post-communist Albania.

These findings underscore the enduring success of the DP as a political entity.

Table 2: Weighted Vote Share of the Democratic Party in Parliamentary Elections (Source: PPEG 2022)

1991	1992	1996	1997	2001	2005	2009	2013	2017	2021
38.7 %	62.2 %	55.5 %	25.7 %	36.8 %	7.67 %	40 %	30.6 %	28.8 %	39.4 %

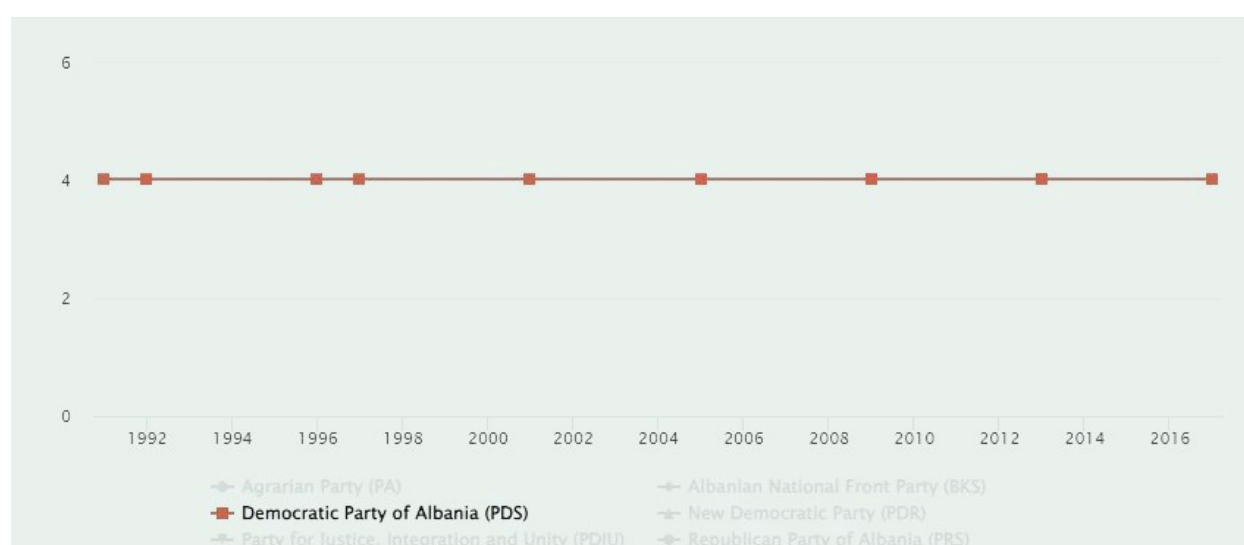


Figure 1: DP Economic Left-Right Scale (Source: V-Party Dataset 2022)
0: Far-left; 1: Left; 2: Center-left; 3: Center; 4: Center-right; 5: Right; 6: Far-right

Homeland Union - Lithuanian Christian Democrats of Lithuania

The background case of HULCD reinforces our main tenets and compares favorably to DP as one of the resilient center-right parties in the CEE until now. This party is a conservative center-right party in Lithuania (Smith 2019; Ramonaitė 2020). It has had a solid membership since its foundation (Novagročkienė 2001), and last year, the party performed well again, receiving 50 of the 141 seats in the Lithuanian Parliament (Lithuania: Parliamentary Elections 2020). Following that election, it formed a ruling coalition comprising Lithuania's present government, in partnership with the Liberal Movement and the Freedom Party, which won 13 and 11 seats, bringing the coalition's majority to 74 of 141 seats (Lithuania: Parliamentary Elections 2020).

Scholars of the Lithuanian party system consider the establishment of the Sąjūdis movement (Reform Movement of Lithuania) in 1988 as the origin of a heterogeneous political

organization (Novagrockienė 2001, 142; Krupavičius 1998, 469) of Lithuanian opposition against the Soviet rule and the Lithuanian Communist Party. "Following the first competitive elections, the communists were exchanged for broad coalitions of opposition reformers ranging from radical nationalists to westernized liberals" (Krupavičius 1998, 470-71). The initial ideological heterogeneity of the Sąjūdis movement led to the formation of various political factions within the Lithuanian parliament and extra-parliamentary parties. The Homeland Union, which constituted the right-wing faction of the Reform Movement of Lithuania, founded in 1993, became the ideological, organizational, and rank-and-file heir of the Sąjūdis movement. As in most post-communist countries, including the case study of Albania, the early 1990s witnessed the re-emergence of inter-war historical parties in Lithuania (Krupavičius 1998, 468). The Lithuanian Christian Democratic Party (LCDP) is one of those historic parties that was re-established "based on a reconstruction of historical political traditions" (Krupavičius 1998, 482). In 2008, the LCDP merged with the Homeland Union, creating the HULCD.

The dominant political parties in post-communist Lithuania, the HUCLD and the Lithuanian Social Democratic Party (LSDP), ex-communists, "inherited part of their membership base from the pre-transition period" (Smith 2019, 52). More specifically, the HULCD "inherited members from the anti-communist Sąjūdis organization" (Smith 2019, 65). Members of the HULCD developed through time, because of party cues and ideological consistency, "a normative attachment to the idea of traditional, programmatic membership parties" (Smith 2019, 52).

As heir to the Sąjūdis movement, the HUCLD was challenged, on the one hand, by centrist liberal parties and, on the other hand, by right-wing anti-establishment parties. Factions within the Sąjūdis movement's parliamentary representation created the Liberal faction in 1990 (Novagrockienė 2001, 145). The centrists were grouped later in the Lithuanian Liberal Union (LLU) (Novagrockienė 2001, 145). In the 1996 parliamentary elections, the Centrist Union constituted the party of the centrist liberals and moderates (Novagrockienė 2001, 150). The "Young Lithuania" party represented a political party to the right of the HUCLD. Anti-establishment and populist parties emerged in Lithuania during the second decade after the regime transition. Since 2004, "the Lithuanian party system witnessed a rise of new parties, such as the Labor Party or the Party of National Resurrection, without any clear ideological stance" (Ramonaitė 2020, 479). Yet, these two parties were not very successful. A far more challenging contender was the Union of Farmers and Greens (LVŽS), a populist, anti-establishment party competing on an anti-corruption ticket and contradictory ideological stances, which won the 2016 parliamentary elections (Ramonaitė 2020). The Union of Farmers and Greens has been regarded as "a Lithuanian counterpart of the Polish 'Law and Justice' Party" (Ramonaitė 2020, 479). As Khoma and Kokoriev (2021) argue, "populist and radical organizations have not received significant levers of impact in Lithuania" (p. 51). Thus, the HUCLD party represents a mainstream and dominant center-right party in Lithuania with consistent party success, without endorsing either the mainstreaming of the radical right or transforming the political tradition of the HUCLD into a centrist party.

The Sąjūdis movement, from which the HULCD originated, was transformed from a loose movement representing various political factions and diverse ideologies into a predominantly center-right ideological formation, getting rid of its anti-communist left-wing, and centrist

factions (Novagrockienė 2001, 145). The remaining ideological formation of the Sąjūdis movement became the basis of the HULCD. Thus, most Lithuanian party system scholars agree that the HULCD has shown stable ideological consistency since its establishment. As Smith (2019) argues, the HULCD endorsed a “full range of policies grounded in a consistent ideology” (p. 9), distinguishing itself from the populist right parties. According to the V-Party dataset on the ideological stances of the Lithuanian political parties along the economic left-right scale, as evidenced in Figure 2 below, the HULCD has manifested a consistent center-right ideological outlook.

This party, which was founded in 1993, continues to the present day with the same label and same ideological roots, which are a mixture of Christian democracy and a “classic liberal-conservative” party (Bugajski 2002, 141), as the other sister parties of EPP as well as International Democracy Union, part of which has been from the start. In addition to these traits, the HULCD party has also maintained an uninterrupted streak of nationalism (Clark 2006). Given the ethnic makeup of Lithuania, where around 16 percent are ethnic minorities, particularly Poles and Russians, but as many as 154 nationalities (Lithuania 2021), according to the last census, it is somewhat self-explanatory. However, this demonstrates its unique ability to mobilize power within the main Lithuanian political parties.

The HULCD’s party statute of 2018 stipulates the political principles and goals this center-right political party stands for. The objective of “the HULCD is to continue mobilizing the nation and strengthen democracy based on Christian democratic values in Lithuania, Lithuanian statehood consolidation and economic reforms (...) an economy based on free initiative and general welfare developmental” (TS-LKD 2018). As the data in Table 3 below indicate, the HULCD has maintained a solid and consistent vote share in almost all consecutive parliamentary elections, except for the year 2000 weighted vote share of 7.8 percent. This serves as an empirical manifestation of party success.

In summary, Lithuania and Albania exhibit distinct political cultures, histories, and trajectories regarding institution formation and perceptions of foreign threats. Consequently, center-right parties in these countries may not necessarily espouse identical political agendas. However, despite these differences, both cases demonstrate similar party stability, which serves as our dependent variable, along with the durability of party labels. Additionally, both parties are affiliated with similar international unions, possess broad societal legitimacy, and wield significant mobilization powers while maintaining uninterrupted success over three decades.

Table 3: HULCD Weighted Vote Share in Parliamentary Elections (Source: PPEG 2022)

1996	2000	2004	2008	2012	2016	2020
30 %	7.8 %	15 %	19.6 %	16.2 %	22 %	24.9 %

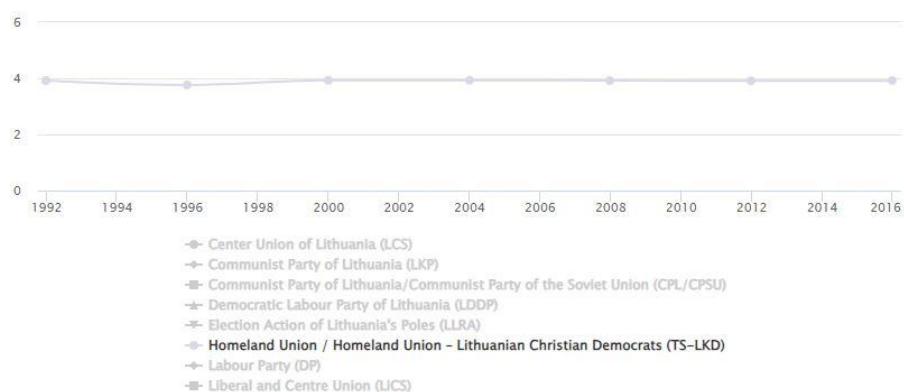


Figure 2: HULCD Economic Left-Right Scale (Source: V-Party Dataset 2022)
 0: Far-left; 1: Left; 2: Center-left; 3: Center; 4: Center-right; 5: Right; 6: Far-right

CONCLUSION

This article focuses on a particular angle around center-right political parties that emerged as broad citizen coalitions in Eastern Europe after communism. It specifically examines the eventual lack of success experienced by these early center-right parties, which either became marginalized, altered their ideologies, or ceased to exist altogether. Exceptions identified after extensive literature review are the Democratic Party of Albania and the Homeland Union-Lithuanian Christian Democrats of Lithuania. While the Lithuanian Party enjoys stability, its Albanian counterpart is undergoing the most significant existential crisis in its three decades due to internal divisions. Nevertheless, both parties remain the single largest parties on the right of the political spectrum and one of the two dominant parties in their respective countries, which attests to their political success.

This study is not only intriguing due to its empirical puzzle but also because it contributes to theory building and advances a framework for understanding such parties in former Eastern Europe. Furthermore, it seeks to comprehend the explanatory factors contributing to party durability and ideological resilience over time, particularly considering their electoral success. While many of these parties disappeared due to an inability to withstand new competition or internal divisions or became marginalized, some underwent complete ideological shifts (from liberal to conservative) to sustain their electoral success. Such parties rarely maintained their original names, labels, ideological frameworks, and basic programs while succeeding electorally. By examining the cases of DP and HULCD as outliers among the center-right parties that emerged in the aftermath of communism in Eastern Europe, this article sheds light on the durability of party labels as a critical determinant of party success in the long run.

Hopefully, this study will stimulate new debates in the field by expanding existing scholarship and opening up new avenues of research that focus on this dimension. We anticipate that similar studies will emerge regarding left-wing and center-left parties in the same region or comparable studies examining both right and left parties in Western Europe and other regions. Large-N studies and similar comparative studies could benefit from this expanding scholarship by exploring electorate volatility, label durability, and parties' resilience in the long run, thereby enriching our understanding of these phenomena.

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Ilir Kalemaj: conceptualization, methodology, literature review, original draft preparation, writing and supervision. **Sokol Lleshi:** conceptualization, literature review, data curation, writing, reviewing, and editing.

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RECONSIDERING THE RUSSIAN-UKRAINIAN CONFLICT AND SECURITY CONCERNS IN AFRICA

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Abstract: Russia's invasion of Ukraine in 2022 triggered a conflict that has transformed international relations through drastic impacts on policymaking, energy politics, and alliances. Such impacts have produced severe multi-dimensional consequences for African countries that have yet to be sufficiently interrogated in the literature. In response to this gap, this paper examined the security implications of the conflict for African countries to offer a comprehensive analysis that considers the intersection of the conflict with contemporary economic, human, social, and political issues confronting Africa. In discourse using a qualitative approach and rooted in a theoretical perspective drawn from the Copenhagen School, the paper underlined the security implications as evident in the areas of food security and governance, buttressing that the proxy conflicts and power struggles associated with this war have exacerbated existing challenges related to food availability and interfered with the consolidation of democracy in Africa. The paper concluded that the war's multi-dimensional impact potentially compounds political instability vectors. It generates dynamics capable of eroding social cohesion and fomenting social unrest in Africa, meriting its designation as an issue of great concern to African policymakers.

Keywords: Russia-Ukraine War; African Security; Copenhagen School; Conflict; Human Security

INTRODUCTION

Russia's invasion of Ukraine on 24 February 2022 has resulted in destructive and protracted warfare, capturing global attention due to its implications for international peace and security. The conflict has sparked transformative shifts in thinking within both foreign and domestic policymaking circles, particularly concerning security provisions. Furthermore, it has triggered alterations in continental energy policies throughout Europe, paving the way for reconfigurations of alliances among European nations and non-European Union countries (Brighi and Guisti 2023). The consequences of the conflict have also reverberated in Asia, leading to the reconstruction of regional power dynamics and politics. More broadly, this conflict has emerged as a significant security threat with far-reaching implications, intersecting with global economic security (Diaconasu, Mehdian, and Stoica 2022) and global food security (Hall 2023). The globalized nature of this conflict bears ominous implications for African nations, encompassing a wide range of dimensions, from food security to economic stability.

Nevertheless, the literature on its connections to Africa still contains significant gaps in understanding, which result in limited comprehension of the conflict's impact or incomplete contextualization within the African context (Adibe 2022). This paper briefly expounds on the security implications of the Russian-Ukrainian War for Africa to address this gap. Specifically, the paper seeks to underscore the significance of the Russian-Ukrainian War as a security threat to Africa using the framework of the Copenhagen School. Furthermore, it aims to illuminate the various ways the Russian-Ukrainian War has intersected with multiple dimensions of security, from economic to political and human, and the potential means by which it has affected these aspects. Following engagements with these lines of inquiry, the paper supports the idea that the Russian-Ukrainian War constitutes a multi-dimensional threat to Africa's security, exacerbating existing security issues facing the continent, with food security ranking as one of the most prominent forms of women suffering disproportionately (Okoosi-Simbine and Obi 2021). These discussions contribute to the literature by offering a comprehensive, synthesized account that unpacks an intricate and multi-faceted array of security threats and dynamics posed by and associated with the Russian-Ukrainian War. This analysis broadens the perspective beyond the typical focus on military aspects, as the paper illustrates the diverse ways and potential means by which the conflict intersects with issues of economic, human, social, and political security confronting the African continent today.

The paper is structured as follows: After the introductory section, it articulates the study's methodology. In the subsequent section, the paper proceeds to define the concept of security through the lens of the Copenhagen School, followed by a brief overview of the Russian-Ukrainian War, emphasizing its globalized character and logical impact on Africa. After that, the paper extensively explores the subject matter, informing the article's focus. This forms the penultimate section of the paper, followed by the conclusion, summarizing its discourse.

METHODOLOGY

This paper relies on qualitative, non-numerical data to explore the security implications of the Russian-Ukrainian War for Africa. Qualitative data is sourced mainly through the examination of secondary data. To acquire pertinent secondary data for analysis, the paper employs a literature search strategy incorporating keywords and concepts central to this study, extracting relevant information from grey and academic literature sources. Ensuring the reliability of the data, this study primarily relies on information from peer-reviewed academic sources, and the gathered data undergoes cross-verification with multiple sources to ensure accuracy. The qualitative data collected through this process is subsequently subjected to content analysis, enabling the identification of patterns and themes relevant to the topic dependably and systematically (Haggarty 1996).

DEFINING "SECURITY"

When considering the security implications of the Russian-Ukrainian War for Africa, it is crucial to clarify the meaning of "security" due to the numerous definitions and reinterpretations surrounding this concept, along with its practical significance, which often underlies various

actions taken within and across political systems (Baldwin 1997). This paper's conception of security is rooted in the articulations of the Copenhagen School, a paradigm with various explanations that vary in simplicity and orientation. Essentially, it is widely acknowledged that the school's foundation lies in the work of Buzan, Waever, and de Wilde (1998), which extensively explains the school's perspective on security.

The Copenhagen School offers a multi-level and critical approach to security, challenging the traditional state-centric view of security, which primarily frames it in militaristic terms. Instead, it emphasizes a broader and more nuanced understanding, often called a "duality of security" (Hama 2017). This concept implies expanding what can be considered a security issue to include less obvious or unconventional threats. Notably, security is not seen as a fixed, predetermined reality that can be defined singularly within this framework. Instead, it requires a comprehensive definition that encompasses less apparent aspects. Consequently, the Copenhagen School encourages us to perceive security in various dimensions, including military, political, economic, environmental, and societal, leading to a "diversified security agenda" (Buzan, Waever, and de Wilde 1998, 7). A thorough elaboration of these dimensions is presented in the following excerpt:

Generally speaking, military security concerns the two-level interplay of the armed offensive and defensive capabilities of states, and states' perception of each other's intentions. Political security concerns the organizational stability of states, systems of government, and the ideologies that give them legitimacy. Economic access concerns access to the resources, finance, and markets necessary to sustain acceptable levels of welfare and state power. Societal security concerns the sustainability, within acceptable conditions, for the evolution of traditional patterns of language, culture and religious and national identity and custom. Environmental security concerns the maintenance of the local and planetary biosphere as the essential support system on which all human enterprises depend (Buzan 1991, 19-20).

In this sense, security transcends being merely "a military or police affair that can be handled by arms or ammunition" (Nweke 1988) and is fundamentally related to development and individual welfare. It encompasses various issues, ranging from governance to factors affecting an individual's ability to fulfill basic human needs. As documented in the literature, these concepts have been appropriately reflected in existing interpretations of African security. Most notably, the African Union, the continent's primary intergovernmental organization, has adopted an expanded definition of security, recognizing that security threats to African states often stem from internal and endogenous sources (Poku, Renwick, and Porto 2007). Consequently, African security has been defined to encompass:

The protection of individuals with respect to the satisfaction of the basic needs of life; it also encompasses the creation of the social, political, economic, military, environmental, and cultural conditions necessary for survival, including the protection of fundamental freedoms, access to education, healthcare, and ensuring that each individual has opportunities and choices to fulfill his/her potential (Poku, Renwick, and Porto 2007, 1158-1159).

The framework provided by the Copenhagen School serves as the foundation for the discussion in this paper. This paradigm offers insights into the potential dimensions of threat dynamics arising from the Russian-Ukrainian conflict in the context of African countries. These threat dynamics represent areas of focus that require in-depth examination to fully comprehend the security implications of the conflict for Africa.

THE RUSSIAN-UKRAINIAN CONFLICT: A WAR OF TWO STATES AND MANY NATIONALITIES

The Russian-Ukrainian War is an ongoing violent conflict that commenced on 20 February 2014, with the Russian military launching a full-scale invasion of Ukraine, ostensibly to produce significant reconfigurations of Ukraine's political and power structures. However, the origins of this conflict reach much further, deeply embedded in the fractured and strained relations between Russia and Ukraine and, by extension, Europe. These historical tensions have sparked polarizing discussions about the potential resurgence of a Cold War, often accompanied by catchy phrases like "Clash of Europes" (Monaghan 2015). Notably, this conflict has drawn diverse actors from the immediate region and far afield. For instance, more than 20,000 foreign fighters have participated in the conflict on the side of the Ukrainian military and its allied forces, hailing from countries including Canada, the United States, Finland, the United Kingdom, Poland, Georgia, Sweden, Nigeria, Israel, Spain, and South Korea (Makuch 2023). Foreign fighters of African descent have also participated in the war to support the Russian state and its allies, including citizens of the Democratic Republic of Congo and the Central African Republic (Sauer 2022).

The globalized nature of this conflict is further underscored by its extensive implications for global economic and social systems. These effects encompass disruptions to international trade and supply chains, rises in commodity prices, and shocks to the global oil industry, all of which exert far-reaching impacts on countries worldwide, whether directly or indirectly (Kammer, Azour, Selassie, Goldfajn, and Rhee 2022).

RUSSIAN-UKRAINIAN WAR: AFRICAN PERSPECTIVE

The year-long conflict between Russia and Ukraine has been highly significant due to its profound political impact, particularly in the realm of global political systems and international relations. This conflict has led to polarization among major powers and international organizations, including the European Union, which plays a critical role in Africa, igniting an intense proxy competition. In light of this, it is essential to emphasize the following:

The Russian invasion only strengthened the kind of camp politics or block politics that polarise international relations, escalate political and ideological tensions, and contribute to further militarization (...) Currently, it seems that the initial reaction to the War in Ukraine is a revival of Cold War-style camp politics in order to increase competition in the short run, first and foremost between the US and China (Kusa 2022, 11-12).

This polarisation of international relations is evident in the prevailing discourse, which frames the conflict as a clash between governance cultures, pitting liberal democracies against an illiberal regime. This narrative harkens back to Cold War terminology and has received extensive coverage (Al Jazeera 2023a). Consequently, this framing has triggered an arms race characterized by substantial transfers of military equipment and materials and discussions regarding the potential use of nuclear weapons. Major European powers such as France and Germany, Russia, and China have declared increased military spending (VOA 2022; Al Jazeera 2022). These actions align with the perspective expressed by the Secretary of the North Atlantic Treaty Organization (NATO), who characterized weapons as “the path to peace” (NATO 2023).

The implications of this arms race for African peace and security cannot be underestimated, particularly in light of the numerous ongoing conflicts across the African continent. According to the Geneva Academy, Africa has the second-highest number of non-international armed conflicts, with more than 35 armed conflicts (Today's Armed Conflicts - the Geneva Academy of International Humanitarian Law and Human Rights, n.d., para. 4).

The possibility of weapons from the conflict falling into the hands of non-state armed groups and actors is a genuine concern, creating a potentially alarming situation. The conflict can potentially exacerbate the supply and availability of weapons in the illicit weapons market (Galeotti and Arutunyan 2023). As has been asserted:

Even before the War, Ukraine's illicit firearm market [could] be characterized as a relatively accessible environment for individuals with the opportunity and willingness to participate in the market. It is impossible to provide any accurate assessment of the volume of weapons currently held within Ukraine. The authorities of Kyiv themselves do not at present have an accurate tally of the legally held weapons distributed to government forces and licensed to civilians (Galeotti and Arutunyan 2023, 5).

Moreover:

The number of guns circulating illegally, in the hands of Russian troops and mercenaries, and abandoned on the battlefield is even more difficult to account for. Very crude estimates - based on extrapolations of official figures before February 2022 and sporadic and limited data released since - suggest that illegal arms circulating in Ukraine is between 7 and 9 million, with another million or more in Russian hands (including militias in the DNR and LNR), and perhaps another 7 million illegally circulating (Galeotti and Arutunyan 2023, 5).

In response to global political dynamics spurred by its war efforts, Russia has increased its presence in Africa. It is guided by a pragmatic philosophy that prioritizes alliances based on mutual benefits rather than a commitment to rights-based regimes. This pattern of engagement predates the conflict and is exemplified in Mali and Burkina Faso, where Russia has entered into military agreements with these states and expanded its activities using mercenary groups (Barabanov 2022). This support for inherently illiberal regimes in these countries arguably exacerbates geopolitical divisions, fostering a culture of impunity, which has contributed to the

resurgence of coups within the African continent, as asserted by the United Nations Secretary-General (Mwai 2023). The current state of global instability can be attributed to the failure or reluctance of global leaders to engage in self-reflection and effectively manage their egos and negative energy (Obi 2020).

The support for illiberal regimes and the methods employed by the Russian state have raised significant concerns, potentially leading to negative implications for the welfare and safety of citizens across African states. These regimes increasingly prioritize self-sustenance over good governance, primarily focusing on mitigating their legitimacy dilemmas. The core norm governing such regimes revolves around regime security, defined as “the idiosyncratic set of dispositions, orientations, and strategies of a particular regime as it seeks to maintain its physical presence, establish and perpetuate legitimacy, and further its permanent and ad hoc interests” (Mohamedou 1998, 62). Invariably, this constitutes a setback for the construction of effective, sustainable institutions and state structures. By implication, it hinders productive engagement with the structural variables that have underpinned instability across Africa and deepened the denial of basic needs. This issue has been lamented by Njoku and Bondarenko when they observed:

The lack of functional democracy has subverted socio-economic development and dashed the hopes for independence. In different states, Africans have yet to realize their full citizenship rights and inclusive governments that can accommodate group identities within a sovereign state (Njoku and Bondarenko 2018, 6).

The subsequent context of African states’ weak developmental capacity and constrained ability continuously perpetuate negative human development index variables that contrive to hinder progress. This occurs regardless of these states’ professed commitment to global development agendas.

Proxy Warfare, Regional Stability, and Resource Exploitation

One of the more adverse consequences of the war has been the rise of the Wagner Group as a conduit for Russian influence in Africa. The Wagner Group, serving as the primary tool for Russian influence on the continent, is notorious for its engagement in unscrupulous practices, aligning with its transactional approach to operations. These practices encompass establishing connections with embattled leaders and commanders of armed groups driven by financial incentives. It is well-documented that recipients of the group’s services often compensate with valuable minerals or cash, and they are concurrently involved in disinformation campaigns (Edet and Aboh 2023).

Moreover, the group’s activities have contributed to regional instability through a range of unethical practices, including mass killings and provocative actions that directly challenge the authority of various governments. Most recently, the group intervened in the Sudan Civil War by providing arms to the Rapid Support Forces and collaborating with rebels to overthrow the Chadian government (Walsh 2023; Rampe 2023). The Wagner Group’s Mali and Central African Republic operations illustrate its reach and impact. Its actions in these countries have left behind

human rights abuses and troubling narratives. These narratives can potentially, and have indeed been, exploited as potent recruitment tools by various armed groups seeking to undermine state sovereignty. In the Central African Republic, the group's intrusion into the local mineral extraction industry has disrupted livelihood systems and exacerbated issues of structural injustice, inadvertently deepening poverty. This has been extensively documented by Patta and Carter (2023).

With increasing support from the Russian state, the Wagner Group has expanded its activities, establishing direct links with organized criminal networks and illicit economic ecosystems. These connections often involve implementing mafia-style tactics to safeguard its interests (Africa Defense Forum 2023; Stanyard, Vircoulon, and Rademeyer 2023). These tendencies have led to recent proscriptions by the American and British governments, with the former designating the group as a transnational criminal organization (Rampe 2023).

Undoubtedly, the group's operations and the broader dynamics associated with the Russian-Ukrainian conflict continue to have detrimental effects on African states' access to vital resources crucial for development, particularly in harnessing the continent's mineral wealth. Africa's mineral and resource reserves are already subject to global power struggles among external actors. Essentially serving as a proxy for Russia's foreign policy objectives, the Wagner Group has solidified its African mineral and resource trade presence. This is evidenced by its exploitation of rainforest resources in the Central African Republic and its engagement in diamond and gold extraction through concessionary agreements with various states (Komminoth 2022; Walsh 2022).

Food Insecurity

Food insecurity remains a pressing issue for African countries today, affecting an estimated 280 million people (Food and Agricultural Organization, FAO 2021). This problem primarily arises from structural deficiencies that render African nations vulnerable to shocks from external events, such as geopolitical conflicts (Hatab 2022). As a prime example of such an external shock, it is clear that the conflict directly interferes with continental food security. This interference manifests as adverse supply-side effects or direct shocks to food availability, a critical component of food security measured by indicators like "food production levels, stock availability, and net trade" (FAO 2008, 1).

These disruptions have occurred because crucial players in the conflict hold significant roles in the global food and agricultural commodities markets, contributing as much as 12% of internationally traded calories through their exports. Furthermore, they serve as primary sources of wheat imports, upon which African countries heavily rely (Hatab 2022). Additionally, Russia substantially supplies a crucial component to the global fertilizer industry (Hatab 2022). Consequently, as projected by Human Rights Watch (2022), the consequences of the conflict have translated into food price inflation across Africa and worsening disparities in food access. In particular, the Northern region of Africa has borne the brunt of these impacts due to disruptions in global food supply chains caused by the conflict (FAO 2023). As various commentaries have noted, these disruptions stem from the politicization of commodity supply and distribution, with trade in wheat becoming deeply entangled with war politics. The interests of the conflict actors

essentially shape questions regarding grain trade. As succinctly pointed out by a German government official, the Russian government has effectively wielded wheat as a geopolitical weapon (Romashenko 2022). This assertion finds support in various instances where Russia has continued uninterrupted grain sales to major importers while simultaneously engaging in the plunder of Ukrainian grain stocks and the destruction of production, storage, and distribution infrastructure (Skorohod, Serbina, Sapsai, and Tsyra 2023).

AFRICAN RESPONSES TO THE RUSSIA-UKRAINE WAR: DIVISIONS, DIPLOMACY, AND THE PATH TO PEACE

The multitude of consequences and dynamics stemming from the Russia-Ukraine War undeniably carry devastating implications for African states, particularly concerning human security outcomes. This categorizes the conflict as a security threat and a significant topic of discussion among African leaders. As succinctly argued by the Chairperson of the African Union (AU), the war has disrupted the capacity of African states to fulfill their development commitments, as these states find themselves in a state of “collateral victimhood” in a conflict that initially seemed distant (Al Jazeera 2023b).

However, speaking of an African response does not equate to a joint, coherent response. Instead, it refers to the varied responses of different African states. Indeed, these responses to the war have ranged from ambivalence to neutrality. Consequently, the emergence of a unified stance on the conflict has been nearly non-existent, as countries have yet to come together in consensus. These divisions have become apparent in the voting patterns of African countries at the United Nations.

For the resolution dated 23 February 2023 (Figure 1), 47 African countries participated in the vote. Among these 47 states, 30 (68.3%) voted in favor, 15 (31.9%) abstained, and 2 (4.2%) voted against (UN News 2023).

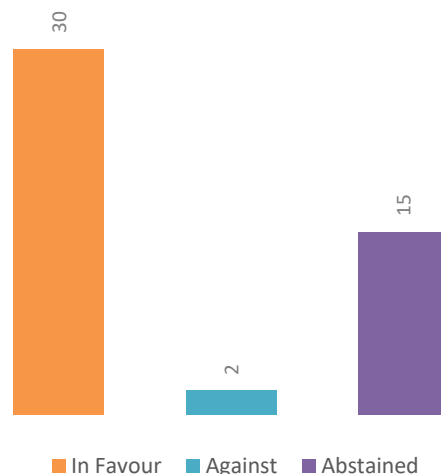


Figure 1: African States Voting Spread for United Nations General Assembly Resolution on Ukraine (A/ES-11/L.7) (Source: UN News 2023)

These vote figures represented 21% of the total General Assembly votes in favor of the resolution, 47% of total abstentions, and 29% of total votes against (UN News 2023).

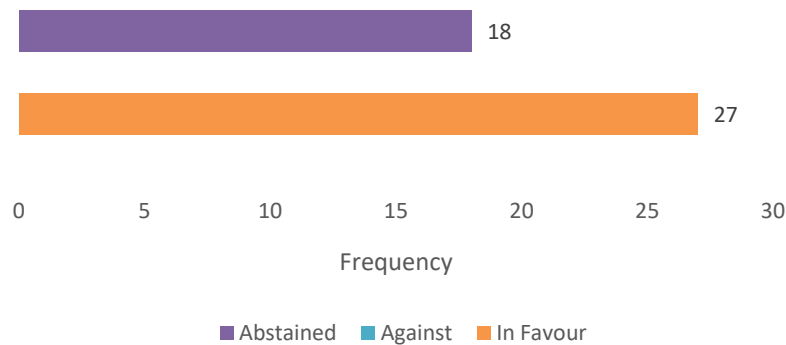


Figure 2: African States' Voting on United Nations General Assembly Resolution A/ES-11/L.5 - "Territorial Integrity of Ukraine: Defending the Principles of the Charter of the United Nations"
(Source: UN News 2022a)

For the October 2022 resolution (Figure 2), 45 African countries participated in the vote. Among these 45 countries, 27 (60%) voted in favor, while 18 (40%) chose to abstain, and there were no opposing votes. These figures accounted for 19% of the total General Assembly votes favoring the resolution and 51% of total abstentions (UN News 2022a).

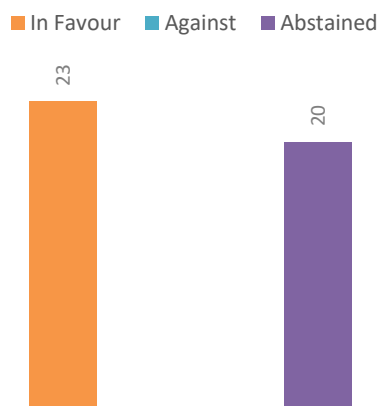


Figure 3: African States Voting Spread on Resolution A/ES-11/L.2 - "Humanitarian Consequences of the Aggression Against Ukraine" (Source: UN News 2022b)

For the March 2022 resolution aimed at condemning the Russian invasion of Ukraine (A/ES-11/L.2: Humanitarian Consequences of the Aggression against Ukraine), 51% (23 out of 45) of the countries voted in favor of the resolution, while 44.4% (20 out of 45) abstained (Figure 3). These percentages ultimately constituted 14% of the total votes cast and 53% of the total abstentions.

Ambivalent attitudes were also evident in the speeches delivered by political representatives from various African states. The Kenyan representative to the United Nations drew parallels between Russia's actions and imperialism, referencing Africa's history of colonialism while simultaneously condemning the disparities in adherence to international norms by major global powers, which have historically shaped international relations (Chappell 2022). The Liberian representative to the United Nations took a more forceful stance, condemning Russian aggression against Ukraine and affirming Ukraine's rights to international support in retaining its sovereignty and political autonomy, echoing a similar opinion of the Ghanaian representative (United Nations 2022).

Political leaders across the continent responded by trying to strike a delicate balance of neutrality. In the initial phase of the War, African governments resisted Ukrainian state-sponsored attempts to mobilize citizens of African countries to join the international fighters against the Russian invasion. Notably, the Nigerian Ministry of Foreign Affairs issued a statement on the microblogging platform Twitter (now X), firmly expressing a commitment to uphold its international law obligations actively. Nigeria declared a stance with zero tolerance for "the recruitment in Nigeria of Nigerians as mercenaries to fight in Ukraine or anywhere else in the world" (Ministry of Foreign Affairs Nigeria 2023). This stance was echoed by other African governments like Senegal and Algeria, leading to policy shifts by the Ukrainian government (Ali 2022).

These African responses align with a pattern of what can be described as "limited emotion" and reveal several contradictions that expose weaknesses in African multilateralism and the inconsistency of principles (Handy and Djilo 2022). This may also be connected to long-standing discontent with the structure and practice of international law and inequities in global power politics. This perspective was exemplified by the Congolese representative to the United Nations, who asserted that his country's vote in support of the resolution condemning Russian aggression was cast irrespective of the "politics of double standards of the powerful in this world when it comes to Africa", a disposition that underpinned behavioral biases and selective sanction enforcement within the international community (United Nations 2022).

However, recent actions taken by African leaders, such as the dispatch of a mediation team in June 2023, indicate an acknowledgment of the negative implications of the war. This mission primarily addresses the food security dimension of the conflict's threat and outlines various plans, including humanitarian provisions and considerations (Jones 2023). While these efforts have faced initial setbacks and opposition from one of the conflict parties, the potential for a more concerted push with tangible outcomes remains within reach, especially in light of indications of a deepening commitment from the Russian president. According to a report from the Russian state media, "the leaders have agreed to continue their dialogue on the African Peace Initiative to pave the way for peace" (The Russian News Agency 2023).

THE RUSSIAN-UKRAINIAN WAR, GOVERNANCE AND DEVELOPMENT

The persistence of the Russian-Ukrainian War undoubtedly poses a significant concern for Africa, particularly in governance and state-building. Notably, this conflict has both accentuated existing dynamics and given rise to new ones that have affected the continent's political and economic structures. This impact is especially pertinent concerning African states' ability to advance their post-independence commitments, which encompass the expansion of fundamental rights and liberties, long suppressed during colonial rule, and the pursuit of social progress leading to an improved standard of living (Nzongola-Ntalaja 2006, 73-74).

However, it is essential to recognize that the war also presents several opportunities that African states can leverage. Primarily, these opportunities revolve around the imperatives of self-reliance and regional integration. These strategies can reduce the influence of external actors as central components of indigenous political and economic systems. Moreover, they can facilitate a re-evaluation of the guiding principles governing the conduct of public office holders, emphasizing the promotion of inclusive economic and social rights. To achieve these objectives, concrete and demonstrably concerted investments in regionally integrative infrastructure can play a crucial role. Such investments would help bridge the gaps in food demand and supply chains within the continent, representing one of the primary causes of food insecurity (Lusigi 2022).

CONCLUSION

The Russia-Ukraine War is a conflict that has global implications, affecting numerous social and political systems around the world. As African countries become more involved in the consequences of this situation, it has led to the continuation and spread of severe social and economic conditions. This has hindered the ability of African states to fulfill their responsibilities in providing social welfare and governance, particularly in ensuring decent living standards and promoting development. Further highlighting the conflict's significance as an existential threat to Africa, these conflicts have spawned concerns such as the proliferation of arms and the growth of illicit economies. The impact of conflicts on food security is especially concerning, as Antonio Guterres, a former Secretary-General of the United Nations, has observed that governments' failure to fulfill their citizens' food requirements is an acknowledged driver for conflict (Yohannes-Kassahun 2023).

As a result of these situations, regional economic organizations such as the Economic Community of West African States (ECOWAS) and the African Union (AU) developed immediate and long-term strategies to address systemic disruptions and prepare for potential future consequences arising from the war. This will safeguard endeavors aimed at constructing peace. National governments must cooperate with regional economic groups to guarantee a synchronized reaction to the imminent food security crisis. Through collaboration, they can devise strategies to tackle pressing necessities and establish enduring remedies for the future. These endeavors will alleviate the consequences of violence on food security and positively contribute to broader peacebuilding endeavors in the region. It is imperative to implement proactive steps to avert the worsening of the crisis and safeguard the welfare of those at risk.

An essential element of this cooperative approach involves the exchange of resources and information across governments and regional economic organizations. Through the collective pooling of their resources, individuals can enhance their ability to solve food shortages more efficiently and comprehensively, ensuring that no one is overlooked or excluded. Moreover, by exchanging information regarding effective techniques and exemplary methods, they can mutually acquire knowledge and enhance their ability to address the issue. Furthermore, this interchange of information and resources will not only assist those individuals who are most directly affected by food insecurity, but it will also foster regional stability and collaboration. Collaboration between national governments and regional business entities is crucial in tackling the food security challenge and promoting peace in the region.

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LEGALITY OF THE USE OF CLUSTER BOMBS IN INTERNATIONAL LAW: A SHORT OVERVIEW

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Abstract: *The war in Ukraine brought the collective security system towards a dead-end street. After raising the question of nuclear threat, another long-time forgotten question arises again, waking up the ghosts that slept for more than a half-century- the use of cluster bombs. Although an international convention prohibits this type of weapon, neither Ukraine, Russia, nor the United States are part of it, which leads back to the agony of fragmentation of international law versus the erga omnes concept of universally applicable norms and customary rules. Since the war is official and intensive, the law of armed conflict applies no matter which of the states involved denies it or names it differently. The use of cluster munitions from both sides is highly contested in international law—the paper aimed to provide an overview of the applicable legal framework through analytical and comparative methods. Although there is a general notion that cluster munition is banned under international law, the paper's results show this is not the ultimate case. Contextualisation relies on the four basic principles of humanitarian law.*

Keywords: *International Humanitarian Law; War; Cluster Bombs; Ukraine*

INTRODUCTION

Cluster bombs have long been a contentious issue in international law, sparking heated debates and discussions among policymakers, legal experts, and humanitarian organizations. The legality of cluster bombs has been a topic of particular concern, with various international treaties and conventions addressing their use, production, and stockpiling. While some argue that the use of cluster bombs is legal under certain circumstances, others contend that their use violates various principles and provisions of international law. Furthermore, the humanitarian impact of cluster munitions can have long-term effects on communities, as unexploded bomblets continue to pose a threat to civilians, particularly children, for years after the conflict has ended. Advocates for the prohibition of cluster bombs argue that their humanitarian impact far outweighs any potential military advantage and that their use should be strictly prohibited under international law. The use of cluster bombs raises complex legal and ethical questions that have been the subject of ongoing debate within the international community. The 2008 Convention on Cluster Munitions, which prohibits the use, production, transfer, and stockpiling of cluster munitions, reflects a growing consensus on the need to address the humanitarian impact of these weapons.

The 2023 Cluster Munition Monitor reports the worst carnage from cluster munition injuries and deaths since the annual report launched in 2010. Cluster munitions killed or injured 1,172 people in 2022, an increase of more than 750% over the total reported in 2021 (149).

This shocking and unprecedented figure is overwhelmingly due to repeated cluster munition use across Ukraine. 1,172 new cluster munition casualties were recorded across eight countries in 2022: Azerbaijan, Iraq, Lao PDR, Lebanon, Myanmar, Syria, Ukraine, and Yemen (The Monitor 2023).

On the other hand, some states and military experts maintain that cluster munitions can be used in a manner that complies with international humanitarian law, mainly when targeting military objectives in a manner that minimizes the risk to civilians. They argue that a blanket prohibition on cluster bombs may limit military options in specific operational contexts and overlook the legitimate security concerns of states (Mustafa 2023).

The legality of cluster bombs continues to be a contentious issue, with divergent perspectives on the balance between military necessity and humanitarian considerations. As the debates persist, it remains essential for the international community to engage in constructive dialogues and seek common ground to address the challenges posed by these controversial weapons.

METHODOLOGY

The research was conducted through the spectrum of exploratory-descriptive qualitative methods based on the sources of international public law in general, especially the law of armed conflicts. So, the primary analysis is conducted on sources of international law such as conventions (treaty law) and customary laws. The study gathered empirical data from primary and secondary sources such as press releases, reports of international organizations, scientific articles, news articles, electronic sources, interviews, etc. The general analysis, deduction, and synthesis methods were used to analyze data and extract conclusions. It also includes a basic analysis of the legality of the use of cluster munitions in the Russia-Ukraine war in specific contexts through a case study method. The case study method usually involves various research methods to generate numerical and non-numerical data that, when triangulated, can draw robust, reliable, valid inferences about law in the real world. It is relatively underused in empirical legal research.

THE UNDERSTANDING OF CLUSTER MUNITION

The term “cluster munitions” refers to any weapons systems that, as the name suggests, deliver clusters of smaller explosive submunitions onto a target. Often referred to as “cluster bombs”, the submunitions are, in fact, every bit as likely to be delivered by missiles, artillery, or sprayed from fixed dispensers as they are to be dropped in bombs from aircraft. Submunitions delivered in any given attack may number in the hundreds or many thousands. The concept, already well-developed by the end of World War II, has certain military advantages over delivering similar amounts of destructive force in single or “unitary” munitions. For example, a single bomb to the middle of an enemy airstrip leaves one crater that can be quickly filled, even if large. A cluster munition attack, on the other hand, may produce hundreds of craters, taking days to repair (UN 2008). Unexploded bomblets can kill or maim civilians and/or unintended targets long after a conflict has ended and are costly to locate and remove.

The Convention on Cluster Munitions (CCM) was born out of a collective determination to address the humanitarian consequences and unacceptable harm to civilians caused by cluster munitions (UN 2008). A cluster munition is defined in the Convention as: “a conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms and includes those explosive submunitions” (UN 2008). The definition captures all those weapons that contain submunitions and cause cluster munitions’ problematic effects: 1) a wide area effect and 2) a risk of unexploded ordnance (UN 2008). The definition makes certain clarifications for weapons with submunitions but not cluster munitions, such as those designed for smoke, flare, and electronic counter-measures. Also falling outside the definition are weapons with submunitions that do not cause the indiscriminate area effect (clusterconvntion.org).

On 2 March 2022, Karim A. A. Khan QC, Prosecutor of the International Criminal Court (ICC), announced that the court had opened an investigation into the “Situation in Ukraine”, including “any new alleged crimes” within the ICC’s jurisdiction that have been committed in Ukraine since Russia’s 2022 invasion. This investigation could examine allegations of cluster munitions in Ukraine by any party (ICC 2022).

The weapons, banned by most countries over human rights concerns, are “not a magic wand”, but some Ukrainian troops say they are making a difference in fighting Russian forces (Jakes and Schmitt 2023).

The recent White House announcement that it would send cluster munitions to Ukraine was met with both criticism and applause. The administration defended its decision, noting that Russia has been using these munitions to attack Ukraine and that Kyiv has been asking for these munitions for self-defense purposes. It is unlikely that any single weapon or munition will quickly usher in a Ukrainian victory. However, the Ukrainians are in an existential battle for the future of their country. They fully appreciate the risks using these weapons implies (RAND 2023).

In Resolution 49/1 of 4 March 2022, the Human Rights Council established an Independent International Commission of Inquiry to investigate all alleged violations and abuses of human rights and violations of international humanitarian law and related crimes in the context of the Russian Federation’s aggression against Ukraine.

The UN Commission, in its latest report, noted that there are unlawful attacks in territory controlled by the Government of Ukraine. The Commission has investigated attacks carried out with explosive weapons in populated areas controlled by the Government of Ukraine (OHCHR 2024). Some were conducted in the context of Russian armed forces’ attempts to capture towns or cities, while others struck areas far from the frontlines. In some situations examined, the Commission could not identify a military objective. When objects of military value that might have been the intended targets of the attacks were present in the vicinity of some of the impact sites, the Commission has generally found that Russian armed forces used weapons that struck both military and civilian objects without distinction. It has identified four types of weapons, the use of which in populated areas led to indiscriminate attacks: unguided bombs dropped from aircraft; inaccurate long-range anti-ship missiles of the Kh-22 or Kh-32 types, which are inaccurate when striking land targets; cluster munitions, which, by design, spread small submunitions over a wide area; and multiple launch rocket systems, which cover a large area with inaccurate rockets. The Commission had found instances where Ukrainian armed forces

likely used cluster munitions and rocket-delivered antipersonnel landmines to carry out attacks in Iziumcity, Kharkiv region, from March to September 2022, when Russian armed forces controlled it. The three following examples illustrate the use of weapons that bear the characteristics of cluster munitions in the city of Izium during that period. On 9 May 2022, an attack struck a residential area, killing three people and injuring six. On 14 July 2022, an attack hit the area around the central market, injuring two older women. On 16 July 2022, several submunitions impacted a residential area, including a kindergarten, where about 250 people had sought shelter, killing two older persons (HRC 2023).

SOURCES OF INTERNATIONAL LAW AND APPLICABILITY OF LEGAL REGIMES

International law has four vital functions: to define precisely the limited cases in which the use of force is permissible (self-defense and the preservation or restoration of world peace and security, following the Charter), to regulate and control the use of force (even) in situations where it is permitted, to assess whether the force used was unlawful and to regulate the consequences of the use of force, whether lawful or unlawful (Franklin 2006).

Given the four vital functions and the fact that international law regulates the use of force through the prohibition of use and exceptions to that prohibition, efforts to maintain world peace and security have created four aspects to regulate the use of force in international law (Hadji Janev 2016). For all four aspects, the same sources of law apply following Article 38 of the ICJ Statute: international treaties, international customary law, the practice of states, the opinions of prominent jurists, and judicial practice (UN 1946).

Horizontality - or the lack of hierarchy - is considered by most legal scholars a central fact of international life and the starting point for theorizing about international law. This is more evident, perhaps, than in the doctrine of sources. The functional equivalence of sources should not obscure that international legal thought and practice are replete with varied hierarchies which, though not necessarily openly acknowledged as such, nevertheless run deep in the system and inform how international law is conceptualized, made, and applied. The consensus remains that Article 38 of the International Court of Justice (ICJ) does not establish a rigid hierarchy of sources, particularly regarding the relationship between customary law and treaties. These are said to exist alongside each other in no particular order of pre-eminence, in a decentralized and pluralistic arrangement where no source ranks higher (Prost 2017). This means we shall first examine the applicability of treaty and customary law on cluster munitions. Before such analysis, the conflict should be seen through the lenses of each of the four vital functions of international law.

The first aspect of the four mentioned is *ius contra bellum*, the right against war or the use of armed force. The second aspect is the corpus of legal rules *ius ad bellum* ("law of war"), which governs when a state or states can legally resort to force. The third aspect is the corpus of *ius in bello*, which regulates the principles, standards, and regulations that come into force when force has already been used and an active conflict is occurring. The fourth aspect is *ius post bellum*, or principles, standards, and obligations after the end of major hostilities. In practice, this would mean that activities related to conflict prevention and prohibiting the use of force are compatible with *ius contra bellum*.

No matter whether Russia refers to the war in Ukraine as a “special military operation”, the state of war does not depend on declaratory statements and wording but relies upon factual situations. The answer to the question of whether the use of force will be categorized as an act of war or not is found in the jurisprudence of the International Court of Justice, the supreme judicial body of the United Nations, which, in the judgment in the case of military and paramilitary activities in Nicaragua (dispute between Nicaragua and the United States), states that the force used will constitute an armed attack (equivalent to war) based on the intensity and effects of the hostilities. The same legal logic was used after the attack on the World Trade Center, which was held to constitute an act of war, triggering the inherent right of self-defense and, subsequently, Article 5 of the Washington Treaty. This means that according to existing international law, Russia has invaded Ukraine and started a war, regardless of what it calls it and how long it happens. Consequently, with this qualification, the application of international law for armed conflict begins, that is, international humanitarian law – two terms often used as synonyms. However, international humanitarian law usually includes “Geneva law”, i.e., the principles and rules arising from the Geneva Conventions and additional protocols. At the same time, international law on armed conflict is a slightly broader category that also includes “Hague law”, the regulation of the use of force and the methods and tactics of warfare. This means that both parties at war must adhere to the rules and principles of warfare in a situation where that is the predominant legal regime under which protection falls. The use of force in international law, contrary to popular opinion, is not prohibited between states; it is only limited. The correctness or permissibility of the use of force in the case should be subject to a separate analysis. However, in any case, the outcome of that analysis does not change the fact that regardless of who used force first and why, both sides are obliged to apply the rules of international law – laws applicable to armed conflicts.

Although some theorists consider only the first two aspects, reasoning that only the law of war and the law of war are explicitly distinguished in international law, the complexity of the situations nowadays requires a slightly broader approach. The fact is that *ius ad bellum* and *ius in bello* are the primary legal regimes that have become separated in the context of international law. The separation of *ius in bello* and *ius ad bellum* is firmly established through case law, state practice, and international legal doctrine. The first case of separation dates back to the Nuremberg trials immediately after the Second World War and the Hostage Case, which was considered by the Tribunal (IMT 1946). In this case, the Tribunal stated that “regardless of what occasion the war broke out and whether it is a so-called just war, the same norms of international law are applicable”. The same principles are applicable in the period after the adoption of the UN Charter. They are confirmed in the advisory opinion of the International Court of Justice (ICJ) on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories (ICJ 2004).

In the given context of Ukraine, the *ius ad bellum* principle is breached because Russia did not use military means for self-defense. Thus, this does not mean that if the right to use force is breached, the use of force and the ongoing hostilities should not comply with *ius in bello* principles, meaning the international humanitarian law, through which the legality of using cluster bombs will be examined.

INTERNATIONAL TREATY LAW REGARDING THE USE OF CLUSTER BOMBS AND ITS APPLICABILITY IN THE RUSSIA-UKRAINE WAR

The Convention on Cluster Munitions (CCM) is an international treaty that prohibits all use, transfer, production, and stockpiling of cluster munitions, a type of explosive weapon that scatters submunitions ("bomblets") over an area. Additionally, the Convention establishes a framework to support victim assistance, clearance of contaminated sites, risk reduction education, and stockpile destruction. The Convention was adopted on 30.05.2008 in Ireland and opened for signature in Norway a few months later. It entered into force on 1 August 2010, six months after 30 states ratified it. As of April 2023, 123 states are committed to the goal of the Convention, with 111 states that have ratified it and 12 states that have signed the Convention but not yet ratified it (UN 2023). To date, neither the United States nor Russia have signed this Convention, nor has Ukraine. The Convention intends general recognition, stating in Article 1 that:

The production, stockpiling, use, and transfer of all cluster munitions are prohibited in all circumstances, including in international conflicts and conflicts of a non-international nature. It is also prohibited to assist, encourage, or induce anyone to engage in any activity prohibited by the Convention (UN 2008).

Thus, this is not entirely in line with the Vienna Convention - Law on treaties (UN 1969). In the Vienna Convention, recognized as the *alma mater* of all other conventions, two fundamental principles of law creation and administration are laid: the principle of codification of existing customary law on the one hand and providing guidelines for progressive development, i.e., specifying the norm, on the other hand. The same principles are inherent to a more significant number of international legal instruments. Where an instrument is lacking, the methods of legal sciences and legal interpretation are applied to extract appropriate legal rules to enable the smooth functioning of current living and anticipating the needs of society through law.

In that context, it is essential to emphasize that not every international agreement binds every state in its entirety: the agreement must be ratified following the Convention and constitutional traditions, and it is also important to take into account whether the state has acceded to a certain agreement in entirety or stated a reservation to any provision in the acceptance. The Convention on Cluster Munition to oblige Russia, Ukraine, or the USA should be signed and ratified by each specific party involved. Following Article 18 of the Vienna Convention, a state is obliged to refrain from acts which would defeat the object and purpose of a treaty when:

(a) it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intention clear not to become a party to the treaty; or

(b) it has expressed its consent to be bound by the treaty, pending the entry into force of the treaty and provided that such entry into force is not unduly delayed.

In accordance with Article 24, a treaty enters into force in such manner and upon such date as it may provide or as the negotiating States may agree. Without any specific provision or agreement, a treaty becomes effective once all negotiating States have consented to be bound by it. Suppose a state's consent to be bound by a treaty is established after the treaty has already come into force. In that case, The provisions of a treaty regulating the authentication of its text, the establishment of the consent of States to be bound by the treaty, the manner or date of its entry into force, reservations, the functions of the depositary, and other matters arising necessarily before the entry into force of the treaty apply from the time of the adoption of its text (UN 1969). Every treaty in force is binding upon the parties and must be performed by them in good faith.

In this instance, the Convention on Cluster Munitions does not apply to any parties involved in the conflict. Consequently, a generalized ban conclusion cannot be drawn based on treaty law as a source of international law. Therefore, customary rules must be examined instead.

THE CUSTOMARY RULES TOWARDS CLUSTER BOMBS

The most significant collection of customary rules of international humanitarian law (IHL) was considered in 2005 through the work of the International Committee of the Red Cross. The database contains the 161 rules of customary IHL identified in the 2005 study. While comprehensive, the study does not purport to be an exhaustive assessment of customary IHL (ICRC 2023). The database recognizes a separate section on the use of weapons, relating to Rule 70-Weapons of a Nature to Cause Superfluous Injury or Unnecessary Suffering, and Rule 71 - Weapons that are by Nature Indiscriminate.

The general notion is that cluster munition enters into both of the requirements - it is indiscriminate by nature and does cause additional and unnecessary suffering when used in combat against human targets. The prohibition of the use of means and methods of warfare that are of a nature to cause superfluous injury or unnecessary suffering is outlined in a large number of treaties, including early instruments such as the St. Petersburg Declaration and the Hague Declarations and Regulations. Numerous military manuals include that rule.

Sweden's International Humanitarian Law Manual (IHL), in particular, identifies the prohibition of means and methods of warfare that cause superfluous injury or unnecessary suffering, as outlined in Article 35(2) of Additional Protocol I, as a rule of customary international law. Violations of this rule constitute an offense under the legislation of many States. National case law has relied upon it (ICRC 2023). Weapons that are by nature indiscriminate are those that cannot be directed at a military objective or whose effects cannot be limited as required by international humanitarian law. The general prohibition of indiscriminate attacks also supports the prohibition of such weapons. Several military manuals and official statements mention weapons that "have indiscriminate effects", "strike military objectives and civilians indiscriminately", or "cannot distinguish between military objectives and civilians" without further detail. Beyond such general statements, the two criteria most frequently referred to are whether the weapon can be targeted at a military objective and whether the weapon's effects can be limited as international humanitarian law requires. These criteria are both laid out in Additional Protocol I: Article 51(4)(b) prohibits weapons that cannot be directed at a specific

military objective, and Article 51(4)(c) prohibits weapons the effects of which cannot be limited as required by the Protocol (ICRC 2023). Thus, these rules apply in a given context since the principle of military necessity and proportionality is equally important as the principle of distinction and humanity. Cluster bombs can be targeted against human, vehicle, and infrastructure targets, meaning the usage can or cannot be justified based on case-by-case analysis. Cluster munitions can be in the form of artillery shells, rockets, or air-delivered munitions. Ukraine wants cluster munitions because they are highly effective against area targets such as infantry, artillery, and vehicle convoys. Indeed, cluster munitions got the nickname “steel rain” because of their intense and widespread effects. Because cluster munitions spread bomblets out over a wide area, a single munition can cover the same area as many unitary projectiles (CSIS 2023).

THE FOUR PRINCIPLES OF INTERNATIONAL HUMANITARIAN LAW

The normative framework for *ius in bello* intersects in the applicability of four basic principles: proportionality, humanity, distinction, and necessity (or military necessity). These principles are not based on a separate source of international law but on treaties, customs, and general law principles. On the one hand, they can and often must be derived from existing rules, expressing the essence and meaning of the regulations. On the other hand, they inspire existing rules, support them, and make them intelligible, and they must be considered when interpreting them (Poposka 2021).

Distinction or discrimination means distinguishing military objectives from civilian ones. Humanity means not inflicting additional unnecessary suffering (primarily for soldiers as a legitimate military objective), and proportionality means balancing the force used. Only as much force can be used to remove the immediate threat and ensure a possible military advantage. This does not lead to the principle of military necessity, i.e., to do everything necessary to achieve victory. These four principles are realistically extensible, so that’s usually how argumentation is built, based on case-by-case analysis. Of particular importance is the Martens clause, which stipulates that in cases not covered by treaties (and traditional customary international law), “civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience” (International Humanitarian Law Databases 2024).

The principle of distinction begins with the distinction between civilians and combatants was first outlined in the Declaration of St. Petersburg (The Declaration 1868), which stated that “the only legitimate object which states have to achieve in time of war is to weaken the military forces of the enemy”.

The Hague Regulations do not state that a distinction should be made between civilians and combatants. Still, Article 25, which prohibits “the attack or bombardment by any means of towns, villages, habitations or buildings which are undefended”, is based on this principle. The principle of distinction is now codified in Articles 48, 51(2), and 52(2) of Additional Protocol I, to which no reservations have been made (ICRC 2023).

Second, the facility’s destruction, capture, or neutralization must offer some military advantage to the attacking party. According to declarations of understanding made by some

states, the military advantage expected from an attack refers to the advantage anticipated from the attack as a whole, not just from isolated or specific parts of the attack.

What is considered is that the action and advantage should be “military”; the political goal of victory can be achieved through violence only by using violence against military goals, that is, by weakening the military potential of the enemy. By characterizing the contribution as “effective” and the advantage as “definite”, it tries to avoid too broad an interpretation of what constitutes a military objective. However, the specific practical implications of those terms are subject to controversy.

Both criteria must be met “in the prevailing circumstances”. Without this limitation on the factual situation, the principle of distinction would be invalid since any object could become a military objective in the abstract after possible future events, for example, if used by enemy troops.

The principle of distinction also applies to the use of means and methods of warfare - that is, means and methods of warfare that have an unlimited effect must not be used. Combined with the principle of humanity, this also means that the methods and means of warfare must not be used to cause additional suffering. For indiscriminate effects in the context of critical infrastructure, consider, for example, the destruction of the Huayuankou and the poisoning of water by the Chinese army during the Japanese invasion (ICRC 2023).

THE HISTORY OF USAGE OF CLUSTER BOMBS AND STATE PRACTICE

The widely condemned use of cluster bombs can be traced back to World War II.

In 1943, the Soviet forces dropped cluster munitions on German troops in Kursk, western Russia. In the 1960s and 70s, during the Vietnam War, US forces targeted Cambodia, Laos, and Vietnam with cluster munitions. In 1975-88, those weapons were used in Western Sahara: Moroccan forces used cluster munitions against non-state armed groups. In 1978, in Lebanon, During Israel’s invasion, Israeli troops were claimed to use cluster munitions in southern Lebanon. A bit later, Soviet forces used cluster munitions in Afghanistan from 1979 to 1989. In 1982, during the Falklands War, British troops released cluster bombs on Argentinean infantry positions during the 10-week undeclared war, in which hundreds died. In the 1991 Gulf War, approximately 61,000 aerial-delivered cluster munitions released by the US and its allies accounted for “about one-quarter of the bombs dropped on Iraq and Kuwait” (Timeline: Use of controversial cluster bombs in past conflicts 2023). Yugoslav forces used available cluster munitions during the war for independence in Bosnia and Herzegovina (1992-1995).

During the First Chechen War (1994-1996), Russian forces used cluster munitions against Chechen independence groups. In 1998, Ethiopia and Eritrea exchanged bomb strikes, with Ethiopia attacking the Asmara airport and Eritrea targeting the Mekelle airport. In the 1999 Yugoslavia war, it has been estimated that NATO allies dropped 1,765 cluster bombs containing 295,000 bomblets (Timeline: Use of controversial cluster bombs in past conflicts 2023). In the 2001-2002 Afghanistan War, the US dropped 1,228 cluster bombs containing 248,056 bomblets in Afghanistan between October 2001 and March 2002, according to Human Rights Watch (Timeline: Use of controversial cluster bombs in past conflicts 2023). Nearly 13,000 cluster munitions were used by the UK and the US during three weeks of combat, according to the

CMC. In the 2003-2006 Iraq war (Timeline: Use of controversial cluster bombs in past conflicts 2023). In the 2008 Georgian war, Russia used air- and ground-launched cluster bombs during a conflict in South Ossetia. Georgia also used cluster munitions. In 2011, in Libya, then-President Muammar Gaddafi's forces used cluster munitions in a village in Misrata, Libya (Timeline: Use of controversial cluster bombs in past conflicts 2023).

The use of cluster munitions in the Syrian conflict started in 2012, since the Arab Spring revolutionary protests. In 2014-15, Russia and Ukraine used cluster munitions during Moscow's invasion to annex Crimea. In 2015-18, Saudi Arabia used UK-made cluster bombs against Houthi rebels in Yemen (Timeline: Use of controversial cluster bombs in past conflicts 2023).

Russia and Ukraine have extensively used cluster bombs during the conflict since 2022 (HRW 2023).

CONCLUSION

No matter what it is called, an international armed conflict or the equivalent of war is currently active on Ukrainian territory. This legal categorization is based on the factual situation and does not depend on the expressed unilateral desire of the parties nor on the duration of the armed actions. Consequently, with this qualification, the application of international law for armed conflict begins, that is, international humanitarian law - two terms often used as synonyms. However, international humanitarian law usually includes "Geneva law", i.e., the principles and rules derived from the Geneva Conventions and additional protocols. At the same time, international law on armed conflict is a slightly broader category that also includes "Hague law", the regulation of the use of force and the methods and tactics of warfare. This means that both parties at war must adhere to the rules and principles of warfare in a situation where that is the predominant legal regime under which protection falls. The use of force in international law, contrary to popular opinion, is not prohibited between states; it is only limited. The correctness or permissibility of the use of force in the case should be subject to a separate analysis. However, regardless of who used force first and why, both sides must adhere to the rules of international law applicable to armed conflicts. This vast set of rules for specific situations can be simplified by applying the four vital principles of international humanitarian law: the principle of humanity, the principle of proportionality, the principle of distinction, and the principle of military necessity. These principles are established to limit the suffering of civilians and the battlefield while enabling the achievement of the objective of warfare. Therefore, these principles limit and complement each other and must be seen in a given context. (Sassòli et al. 2017).

In the simplest terms, the principle of humanity implies that both civilians and combatants should be treated as humanely as possible, that is, to limit unnecessary suffering. Because of this principle, certain types of weapons have been prohibited during the evolution of warfare.

The principle of proportionality means that the force used to respond to an attack is appropriate to the force used in a particular attack (for example, a bullet fired by an infantry soldier is not returned by a rocket-propelled mortar). However, the principle of proportionality must be taken in context with the principle of military necessity, i.e., to repel the immediate

attack and danger and the potential future attack that is certain to happen or give an advantage to the opposing side. In this way, the use of force, which at first glance seems disproportionate, is usually justified.

The principle of distinction refers to the distinction between civilians and combatants, that is, civilian and military objects - civilian objects must not be treated as legitimate military targets. In this context, the attacks must not have an indiscriminate effect; that is, the impact of the attacks must not affect civilians and civilian objects, which is generally a primary argument against the use of nuclear weapons.

States usually justify attacks on civilians and civilian objects in case of conversion of the objects (that is, if a typical civilian object such as a cultural center starts to be used as a storage or assembly facility for weapons and ammunition), thus enabling a significant military advantage for the other side in the context of the principle of military necessity, as collateral damage.

Additionally, the applicability of the law of armed conflict does not always derogate from the international law of human rights. Those two legal regimes shall not exclude each other but empower.

International humanitarian law is the *lex specialis* that applies during armed conflict. This means that individuals enjoy double protection. According to the principle of *lex specialis derogat legi generali*, whenever humanitarian law suggests a specific rule for the special situation arising from the conflict, that rule prevails over the other rule derived from the protection provided by human rights law.

A classic example in this direction is the rule regarding the use of force and the right to life. The right to life continues to be upheld during times of armed conflict as an inherent human right that cannot be waived. However, as stated by the International Court of Justice, the assessment of whether there has been an arbitrary deprivation of life falls under the applicable *lex specialis*, namely the international law of armed conflict, specifically designed to regulate the conduct of conflict situations. This also implies that at some juncture, protection will be governed by either regime or the other. Therefore, a case-by-case analysis method must always be employed.

The UN Convention banning the use of cluster bombs stipulates that it will enter into force after the thirtieth ratification, which took place in 2010. However, neither the United States nor Russia nor Ukraine are signatories. No matter how much international law strives for universality, it has no coercive mechanism due to the principle of sovereignty and equality. The sole mechanism available is the Security Council, which is currently hindered by Russia's role as one of the permanent member states with veto power despite being the aggressor in this case. This highlights the necessity for reforming the collective security system.

The Convention represents a typical agreement subject to the Vienna Convention on the Law of Treaties concerning entry into force provisions. Consequently, it does not legally bind Russia, Ukraine, or the United States. Apart from treaty law, there is also customary law in the LOAC (Law of Armed Conflict) section, and this does not support the use of cluster bombs because they generally have a non-discriminatory effect and cause additional and unnecessary suffering. Their usage can be justified to some extent depending on the context, if there is no other more suitable way, by applying the balancing of the four principles of humanitarian law and depending on the specific type of munition. However, even that argumentation is not the

most appropriate. The fact is that there are no weapons whose use is completely prohibited, not even nuclear weapons. In general, whether the use of a type of weapon will be banned depends on its specific characteristics and context, according to the four principles of humanitarian law: the principle of distinction, the principle of humanity, the principle of proportionality, and the principle of military necessity.

Peremptory norms of international law are also known under the name *ius cogens* and represent a generally accepted principle of the international community - something that is understood to be a norm in itself - and represent an absolute obligation, although they are part of an international agreement and whether a particular country is a party to that agreement - it is obliged to respect the peremptory norms. They arise from international custom and are not defined in a separate instrument. Still, the jurisprudence of international tribunals and the interpretations of distinguished jurists know how to point out some norms as peremptory. For example, the prohibition of genocide is treated as such. This is how the right to self-determination is treated, but how the law is interpreted is far from a consistent legal regime so that a straightforward practice can be extracted. That's why there is not enough background to say that the prohibition of the use of cluster bombs is also a peremptory norm of international law.

In this manner, although the use of cluster bombs should not be encouraged or legal, it cannot be said that it is banned in the current framework of international law. The legality of cluster munition use must be examined in case-by-case analysis depending on the context and considering the four basic principles. This means that, for example, the usage of the bomblets during Russian attacks on Kharkiv (BBC 2022), taking into consideration the number of civilian deaths and the fact that it did not pose a direct threat to the attackers, shall be considered illegal and contrary to the principles of international law. Even if bomblets are used against military forces, they still go under the line of causing unnecessary suffering. Using against military targets of non-human nature can be justified in specific cases, taking into consideration the type and characteristics of the bomblets, which also may technically differ quite a lot.

Additional work and campaigns are more than necessary to refrain states and non-state actors from using this type of weapon, including a more robust legal framework and encouragement towards ratifying the Convention.

CRediT AUTHOR STATEMENT

Vesna Poposka: conceptualization, methodology, writing - original draft preparation, and supervision. **Abdulmecit Nuredin:** writing, reviewing and editing.

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ONLY RAPE! HUMAN RIGHTS AND GENDER EQUALITY FOR REFUGEE WOMEN: FROM REFUGEE CAMPS TO THE UNITED NATIONS

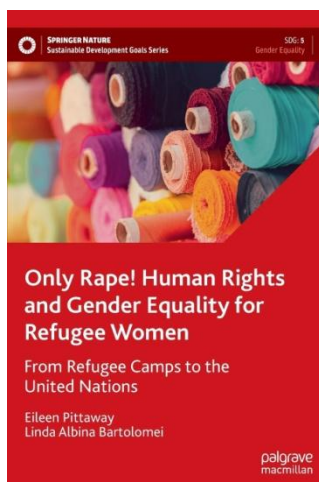
Authors: Eileen Pittaway and Linda Albina Bartolomei (Springer, Palgrave Macmillan Singapore 2022)

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"All my sisters, my mother, my friends - all the women have been raped. The military, they rape us. When we try to cross border they rape us, when we go for water they rape us, when we go for food they rape us, when we go to the bathroom they rape us. The police, they rape us. Our life is rape." (Rohingya Refugee Women 2019)

Pittaway and Bartolomei



In their groundbreaking book titled "Only Rape! Human Rights and Gender Equality for Refugee Women: From Refugee Camps to the United Nations", the authors Eileen Pittaway and Linda Albina Bartolomei bring to the forefront the pressing and frequently disregarded issue of sexual violence confronted by women seeking refuge. Released in the year 2022, this extensively investigated piece of literature delves deep into the firsthand accounts and experiences of women who find themselves in the often intricate and multi-faceted network of refugee camps, providing an all-encompassing examination of the numerous obstacles they face while simultaneously highlighting their unwavering struggle for both justice and equality.

Pittaway and Bartolomei, two esteemed individuals who are highly regarded in the realm of refugee studies, utilize a plethora of primary and secondary sources to construct a compelling and impactful narrative that not only reveals the immense seriousness of the problem at hand but also provides perceptive and astute recommendations for reforming policies. The extensive and comprehensive fieldwork, interviews, and case studies conducted by the authors serve to enhance the credibility and validity of their arguments, thereby enabling readers to obtain a profound and comprehensive comprehension of the multi-faceted challenges that refugee women encounter in various aspects of their lives.

The book is organized into 14 parts, each of which focuses on a particular time in the authors' 33-year quest to recognize, stop, and address rape and other sexual violence against women who are in war or fleeing their homes. The writers have collaborated in 22 countries with a global network of academics, refugee women, and human rights advocates.

The book exhibits a well-organized and coherent structure, thereby rendering it easily understandable and accessible to a diverse readership encompassing scholars, policymakers, activists, and general individuals inclined toward human rights and gender issues. Commencing with an enlightening introduction, the book astutely sets the foundation for the forthcoming chapters by offering an inclusive summary of the obstacles confronted by refugee women and highlighting the principal themes that the book addresses.

An inherent strength of this book lies in its robust reliance on empirical research. The authors adeptly employ a wide array of data from extensive fieldwork and in-depth case studies encompassing diverse refugee scenarios, thereby granting a voice to those resilient women who have undergone unimaginable adversities. This methodology, in turn, endows the statistics and policy discussions with a human touch, compelling readers to confront the harsh realities that refugee women endure and rendering it impossible to overlook or dismiss these stark truths.

The book's opening section emphasizes how critical it is to deal with rape and gender-based violence among refugees. The authors stress the need for global activism to bring about change and want to magnify the voices of those impacted via their collaboration with a worldwide network of academics, refugee women, and human rights activists.

In the next chapter that follows, the authors embark on an exploration of the profound and intricate subject matter encapsulated within the title "Opening Pandora's Box: Rape, Sexual Abuse, and Refugee Women: 1989-1990". With profound depth and diligent analysis, the authors delve into the historical context surrounding the profoundly problematic issue of rape and sexual abuse experienced by refugee women. Their meticulous and comprehensive research shed light on the early endeavors to confront this harrowing problem, meticulously examining the myriad challenges humanitarian organizations encounter in their valiant efforts to address the issue. Furthermore, the authors meticulously dissect the limited recognition granted to gender-based violence as a violation of the universally cherished principles of human rights. Drawing upon the wealth of their research, the authors shed light on the true extent of this pervasive problem and the dire need for a comprehensive response encompassing a broad range of dimensions. The reader will find an intellectual journey of immense magnitude and consequence within these pages. This exploration seeks to inform and provoke thoughtful contemplation and ignite a passionate call to action.

The subsequent discussion on the book, titled "From the Local to the International: Domestic Politics and International Advocacy 1990-1992", delves into the subject matter at hand in a manner that builds upon the previous chapter's content. This section aims to explore the intricate process of transitioning from local advocacy efforts to international ones. The esteemed authors undertake a comprehensive examination of the pivotal role that domestic politics plays in shaping the responses to instances of gender-based violence within refugee situations. In doing so, they bring the utmost significance of fostering collaboration between civil society organizations, academics, and policymakers to drive change effectively. Furthermore, the chapter delves into the multi-faceted challenges encountered to bring this issue to the

international community's attention, shedding light on the complexities inherent in this endeavor.

The following two chapters of the book "Rape as a War Crime: The Road to the 4th World Conference, Beijing 1993-1995" and "Interleague" delves into the period leading up to the 4th World Conference on Women in Beijing, examining the recognition of rape as a war crime. The authors explore the efforts of advocates and activists to raise awareness about this issue and the significance of the Beijing Conference in shaping international policies and addressing gender-based violence. The book also serves as an introspective juncture, emphasizing the need for continued action and the crucial role of academia, civil society, and affected refugee women in driving change. The chapter urges readers to remain committed to tackling rape and gender-based violence in refugee situations.

The most argumentative section of the book, Intersectionality, Identity, and Refugee Women-2001-2002: "I Will Give You a Prize If You Can Find a Woman in This Camp Who Has Not Been Raped", go into the intricate nature of identity and the encounters of refugee women. Pittaway and Bartolomei analyze the multi-faceted dynamics of gender, nationality, race, and ethnicity that mold the experiences of these women. They underscore the difficulties encountered in addressing gender-based violence within diverse refugee communities and emphasize the necessity for tailored approaches that take into account the distinct experiences and vulnerabilities of various groups.

In addition to the book's next chapter emphasizing the value of hearing from refugee women, the book looks into the idea of reciprocal study. It talks about the moral issues that come up while studying sensitive topics like sexual abuse and rape. The writers support a collaborative strategy that gives refugee women agency and guarantees their narratives are not misrepresented. The chapter also emphasizes women's influence on bringing about change and the strength of their voices. In order to identify and address the dangers encountered by refugee women, it addresses the creation of a risk assessment and response tool. The writers also go into how international organizations like the UNHCR and the Commission on the Status of Women support the rights of women who are refugees.

In the following chapter, "Survivors, Protectors, Providers: Refugee Women Speak Out from Gender Mainstreaming to the Regional Dialogues-2009-2011", the authors examine the advancements made in incorporating gender considerations into refugee policies and programs from 2009-2011. The chapter highlights the importance of survivor-led initiatives and the urgent requirement for comprehensive support systems that address the physical, psychological, and social needs of refugee women. It also emphasizes the significance of regional dialogues as platforms for sharing knowledge and experiences. In the following chapter, "Anger and Despair-Naming the 'Elephants in the Room'-2012-2016", authors look into the period between 2012-2016, characterized by frustration and a pressing sense of urgency in addressing the persistent challenges faced by refugee women. The authors aim to confront the underlying issues hindering progress in combating gender-based violence. They stress the crucial need to openly acknowledge and address these issues as the catalyst for driving substantial and transformative change.

The chapter before the last chapter, "Refugee Women From the Margins to the Centre-2017-2020", focuses on the efforts to center the experiences and perspectives of refugee

women, emphasizing their role in decision-making processes and policy development. The final chapter, "Epilogue-The Move from Rhetoric to Reality-2021-2022", reflects on progress and underscores the need for concrete action to ensure gender equality and human rights for refugee women. Ongoing collaboration and advocacy are essential to create a safer and more just world for them.

"Only Rape!" is a book that highlights the experiences of refugee women, focusing on the issue of sexual violence and the urgent need for gender equality within refugee camps. The book provides a comprehensive understanding of the challenges faced by these women, contextualizing them within the broader framework of forced displacement. It emphasizes the gendered nature of displacement and the specific vulnerabilities faced by women in these circumstances. The book also emphasizes the voices and stories of refugee women themselves, providing insights into the physical, psychological, and social impact of sexual violence and the barriers they face in accessing justice and support. The authors critically analyze the power dynamics within refugee camps, examining the role of humanitarian organizations, international agencies, and governments in addressing these issues. They call for a comprehensive and coordinated response to protect the rights of refugee women. The book also examines the role of the United Nations and other international bodies in promoting gender equality and addressing sexual violence in refugee contexts.